



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, January 3, 2017

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman Brian Shea, Paul Cimino, Dan Kolenda, John Rooney, Town Administrator Mark Purple

Absent: Bonnie Phaneuf

I. Meeting called to order at 6:30 pm

II. Scheduled Appointments

1. FY2018 budget Update- Brian Ballantine, Finance Director

Mr. Ballantine provided an overview of the FY18 Budget Update with handouts.

- The tax increase is at 6.42%
- Reduced or eliminated about \$700K in expenses
- A slight increase in town revenues
- Highlighted some remaining issues for Board to review and approve at a later time
- Proposed budget recommendation

Advisory will meet next week and a more detailed budget analysis of every department will be made available in about a month.

III. Reports

1. Chairman's Report

Mr. Shea deferred to Mr. Purple with his report

2. Town Administrator Report

- Draft an ATM warrant

Mr. Purple provided copies of the draft Warrant Article and briefed on each article that has been submitted so far. Mr. Shea asked the Selectmen to review the information and have a later discussion on the articles that the Board will consider sponsoring.

- Update on proposed Special Town Meeting

Mr. Purple met with Mr. Hegarty and Mr. Hamilton to pick a date for the proposed Special Town Meeting. The 2 dates are Wednesday, March 8 and Saturday, March 11. There is a school committee meeting on March 8, Superintendent Johnson said she could move the March 8 meeting date provided that she has enough advanced notice. Mr. Rooney will be away beginning March 11 and prefer to have the Special Town Meeting on March 8, as do Mr. Kolenda and Mr. Cimino.

IV. Consent Agenda

1. Approve Meeting Minutes: October 4, 2016, November 3, 2016, November 15, 2016, December 6, 2016, December 19, 2016
2. Accept \$49,799.00 donation for Recreation Commission from Friends of Southborough Recreation
3. Approve Drought Plan for MWRA
4. Approve salary of newly promoted Sergeant Sean P. McCarthy
5. Approve Executive Session Meeting Minutes: December 6, 2016

Mr. Shea request to hold items 1 and 5. Mr Cimino made a motion to accept consent agenda items 2, 3, and 4. All in Favor 4-0. Mr. Shea request to hold December 6, 2016 and December 19, 2016 minutes on Item 1. Mr. Kolenda made a motion to approve October 4, 2016, November 3, 2016 and November 15, 2016 minutes. Mr. Cimino seconded. All in favor 4-0. Mr. Rooney abstained on the November 3, 2016 minutes.

V. Other Matters Properly Before the Board

1. Discussion of Policy on Meeting Decorum (*may vote*)

The proposed guideline is to set the proper tone for future meetings and how public comment should be conducted at town meetings. Mr. Cimino suggests to make this policy applicable to all Board and Committees. He is in full support of the policy statement but has a few edits on the specificity under Guidelines. Mr. Rooney is consistent with Mr. Cimino's comments. The Board will offer suggestions and submit to Mr. Purple.

2. Discussion of Public Records Officer (*may appoint*)

Mr. Hegarty is not comfortable accepting an appointment from the Board that has not been defined. Upon his own research, he found no requirement that the Town Clerk be involved in this process. In other towns, it is the responsibility of the Town Administrator or the Assistant Town Administrator. He wants to know what the roles and responsibilities are of a Public Records Officer has before he commits. He stated that there are very strict guidelines to follow, in such case that a person requesting public record does not get it in a certain time frame can be taken up in district court. The Board agrees that definition and designee of the role of Public Records Officer needs more clarity and asked Mr. Purple to work with Town Counsel to get an answer as soon as possible.

VI. Public Comment

Jim Hegarty mentioned that there was prior talk about putting a warrant together to set expiration dates on appointments and asked if there is one in the current draft article. Mr. Purple said no. He would like to suggest some changes on process of elected appointments. He would like to propose one night where all the appointed officials are brought in and provide training on public records law and public meeting law. The other suggestion is to cut back on the amount of paperwork each elected official has to fill out, from 3 forms each official has to complete down to 1 form for indefinite number of committees the member is involved in. Sam Stivers, 7 Presidential Drive, spends a fair amount of time at the Transfer Station collecting signatures for citizen petitions and continues to notice many cars with out of state license plates and cars without visible stickers. He suggested allocating some funds to get some police presence out there to see what is going on with sticker compliance and suggested a clearer policy enforcement follow up for people who do not have stickers. He also mentioned a potential safety issue at the recycling area where the sidewalk drops off. Another item mentioned that was previously voted at Town Meeting on Chapter 32B of the State Laws relative to OPEB funding. There is a change in that chapter and many towns are voting again to accept that chapter which gives them a more up to date version of the trust fund legislation. He asked if the town needs to follow up and get an updated version voted at the Annual Town Meeting. He frequently sees on the agenda that the Board votes to accept gifts from various people but he does not see on the Town Code that that is required. Lastly, he asked about an Annual Publication of Property Tax Delinquency which is supposed to be part of the annual report. He suggested to remove it from the bylaw if there is no intention of publishing one.

Open Session adjourned at 7:58pm.

Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, as the Chair has determined that having the discussions in open session may be detrimental to the public body's negotiating position; the Board will not return to Open Session. Issues to be discussed (1) to consider the purchase of real property (Exemption 6); (2) to discuss strategy with respect to collective bargaining strategy-Fire Union Contract (Exemption 3). Roll call vote was recorded as follows: Mr. Shea – yes; Mr. Rooney – yes; Mr. Kolenda – yes; Mr. Cimino – yes.

Upcoming Meetings

January 17, 2017

February 7, 2017

Submitted by Jenn Hom, Recording Secretary

List of documents referred to at the January 3, 2017 BOS Meeting:

- FY18 Town Budget Update
- Minutes- October 4, 2016, November 3, 2016, November 15, 2016, December 6, 2016, December 19, 2016
- Memo from Doreen Ferguson, Recreation Director dated December 15, 2016
- Memo from Karen Galligan, DPW Superintendent dated December 22 2016
- Southborough Drought Management Plan
- Memo from Police Chief Kenneth Paulhus dated December 21, 2016
- ATM Warrant Article (draft)
- Board of Selectmen Policy Public Comment Guidelines (draft)

**BOARD OF SELECTMEN
EXECUTIVE SESSION
JANUARY 3, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -31 A 11:07
SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Dan Kolenda, John Rooney, Paul Cimino. Also present: Aldo Cipriano, Town Counsel, and Mark Purple, Town Administrator. Absent: Bonnie Phaneuf.

The Board entered Executive Session by unanimous roll call vote (4-0-0) at 7:57PM.

Purchase and Sale Agreement with St. Mark's School

Aldo Cipriano reviewed the status of his discussions with Attorney Helwig. Mr. Cipriano said that he received a letter from the Historical Commission that the Annex (currently Police Station) is not eligible for demolition delay under the current bylaw, but also included Commission concerns regarding the preservation of the building, as well as the acquisition of the golf course. Mr. Cipriano noted that the proposed adaptive reuse article does not impact the demolition of the Annex.

Mr. Cipriano also noted the following items regarding the Agreement:

- St. Mark's (SM) will continue their annual PILOT payment;
- SM acknowledges that they will finish ladder truck donation, separate from the Agreement;
- The titles for all properties are clean, there are no restrictions of record;
- We will need a Special Act because MGL c.30B does not address a land swap;
- Under Ch 61B, Assessors need to deal with the value of rollback taxes. The abatement process is convoluted. The Special Act will need to override Ch 61B.
- When St Marks takes ownership of the buildings, the town will need to lease it back and provide indemnity insurance [use and occupancy];
- There is an unresolved issue if any form of recreational land was dedicated at the public safety area. Mr. Peters gifted the land and the front parcel was dedicated as Peter's Park. Mr. Cipriano is researching whether the Town ever accepted it as dedicated park land. Under Article 97 of the Constitution, it is land open to all and we cannot modify it unless by special act.
- Aldo will work on finishing the draft of this agreement and will schedule another meeting with St. Mark's personnel.

Fire Arbitration

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mr. Kolenda motion to adjourn the Executive Session for purpose of adjournment, seconded by Mr. Shea. Unanimous roll call vote, 4-0-0.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: January 17, 2017

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, John Rooney, Paul Cimino, Town Administrator, Mark Purple

Absent:

I. Called Meeting to Order at 6:30 pm

II. Scheduled Appointments

1. Police Chief Kenneth Paulhus, RE: Recommendation for Appointment of Police Officer
Police Chief Paulhus respectfully request the Board to consider his recommendation of Mr. John Officer to Patrolman. The Board unanimously approved the recommendation. All in Favor 5-0
2. Joint Meeting with Public Safety Study Committee
Members present are Ed Hamilton (Chair), John Lyons, John Wood, Jason Malinowski, and Peter Goodney. Mr. Hamilton updated the Board with an updated cost estimate of \$25M that was received last week from the consultant. The Committee asked the consultant to find ways to lower the cost and have received an updated estimate of \$23M earlier this afternoon. Mr. Malinowski explained that this Committee was working with a \$20.8M operating number about a year ago. The architect is showing an approximate 5% to 6% increase due to inflation and some large ticket items that may need to come out. The Committee did not get a chance to meet as a group to discuss the new number. Mr. Malinowski also said that this number is very preliminary as this Committee needs to review the numbers and meet with the consultant on January 30 and another meeting February 6 for fully costed items. This Committee has accepted direction from the Board of Selectmen to work on a proposal or an estimate as close to the \$20.8M proposal that was originally given, or address areas or the need to cut back to get as close to that number range as possible in order to get support at town meeting. This Committee will report back to the Board of Selectmen on the next meeting scheduled for February 7, 2017.

III. Reports

1. Chairman's Report None
2. Town Administrator Report None

IV. Consent Agenda

1. Approve Meeting Minutes: December 6, 2016, December 19, 2016
2. Accept William Pezzoni's resignation from Economic Development Committee
3. Accept \$200.00 donation for Southborough Youth and Family Services
4. Appoint Kathleen D. Wilfert to Cable Television Committee
5. Appoint Desiree Aselbekian to Southborough Town Meeting Review Committee
6. Approve Executive Session Meeting Minutes: December 6, 2016

Mr. Shea requested to hold Item 5. Mr. Cimino request to hold Items 1 and 6.

Mr. Kolenda made a motion to approve minutes from December 19, 2016, as well as items 2, 3, and 4. Mrs. Phaneuf seconded. All in Favor 5-0

V. Other Matters Properly Before the Board

1. Discussion of Policy on Meeting Decorum (may vote)

Mr. Purple compiled a new version from comments collected from the Board. Discussions continued with further comments and changes. Mrs. Phaneuf suggested to adopt the Meeting Decorum as is and revise it as necessary. Mr. Kolenda made a motion to approve the Policy and Guidelines on Public Meetings. Mrs. Phaneuf seconded. All in Favor 5-0

2. Discussion of Records Access Officer Policy (may vote)

This is a continued discussion from last meeting with a draft policy, which identifies three separate Public Records Access Officers. Mrs. Phaneuf made a motion that this Board approve the Public Records Access Policy as discussed. Mr. Kolenda seconded. All in Favor 5-0

3. Discussion of Date and Close annual Town Meeting Warrant

In consideration of holiday observances in conflict with the April 10th Annual Town Meeting, Mr. Shea asked the Board to entertain a different date and to set a date in order to close the Town Meeting Warrant. Mr. Kolenda made a motion to set Tuesday, April 25 as the Annual Town Meeting. Mrs. Phaneuf seconded. All in Favor 5-0

4. Set date of March 8, 2017 for Special Town Meeting; Open and Close Special Town Meeting Warrant.

Mr. Purple discussed all the articles and recently submitted ones for the Special Town Meeting Warrant. The purpose is to close the warrant tonight with discussions and sequence of the articles set at another time. Mr. Cimino moved to close the Special Town Meeting Warrant. Mr. Kolenda seconded. All in Favor 5-0. Mr. Cimino moved to set March 8, 2017 as Special Town Meeting and moved to open and close the Special Town Meeting Warrant. Mr. Kolenda seconded. All in favor 5-0

5. Funding request from St. Mark's Golf Course Master Plan Committee

Mr. Shifrin is present to request funds needed to complete their charge. Mr. Purple said that if this Board thinks the request is appropriate, he will work with advisory to allocate proper funding. Mr. Kolenda move to support an amount not to exceed \$26,500. Mrs. Phaneuf seconded. All in Favor 5-0. Mr. Purple will work with Mr. Ballantine to prepare a letter to Advisory for recommendation. Advisory does not meet again until January 24 and January 31. Mr. Stivers suggested to ask Advisory Chairman, Ms. Janet Maney, for a special meeting for this particular issue.

VI. Public Comment

Mr. Sam Stivers (7 Presidential Drive) commented about getting access to legal counsel for elected Boards. Planning Board filed an appeal a few months ago for a ZBA decision relative to the Park Central Project. Chairman Don Morris asked for access to legal counsel relative to this appeal but was denied by the Board. When Planning Board filed the appeal and then decided to withdraw the appeal, Park Central Developers filed a claim against each individual Planning Board member to recover the legal cost associated with the appeal. All Planning Board members were ordered to appear last week in court to address this claim and at least one of the members felt it necessary to hire independent legal counsel to represent their interest. Thus, he is co-sponsoring a citizen petition to provide legal counsel to Board Officials and is asking the Board to support the warrant article. Mr. Stivers is also

asking the Board to reimburse any Planning Board Members who personally incurred legal expenses for this particular matter.

VII. Meeting adjourned at 8:06pm

UPCOMING MEETINGS

February 7, 2017

February 21, 2017

List of documents referred to at the January 17, 2017 BOS Meeting

- Letter from Chief Paulhus dated January 10, 2017
- BOS Meeting Minutes dated December 6, 2016
- BOS Meeting Minutes dated December 19, 2016
- Resignation letter from Mr. William Pezzoni
- Memo from Sarah Cassell
- Citizen Activity Form from Kathleen Wilfert
- Citizen Activity Form from Desiree Aselbekian
- Meeting Decorum Draft version
- Public Records Access Policy Draft version
- Annual Town Meeting Record
- Special Town Meeting Record
- Request for Funds from Brian Shifrin, Chair-St.Marks Golf Course Master Plan Committee
- Memo from Jim Hegarty dated January 17 on Warrant Article 2/3 declaration by Moderator

Submitted by Jenn Hom, recording secretary

**BOARD OF SELECTMEN
EXECUTIVE SESSION
January 25, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -3 A 11:07
SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Bonnie Phaneuf, Dan Kolenda, and John Rooney. Also present: Aldo Cipriano, Town Counsel and Mark Purple, Town Administrator. Paul Cimino was participating remotely by phone.

Mr. Shea called the meeting to order at 7:30AM. Mr. Kolenda made a motion to enter into Executive Session for the purpose of discussing the purchase of real estate (Purchase & Sale Agreement with St. Mark's School), and not returning to open session, seconded by Mr. Rooney. Unanimous roll call vote, 5-0-0.

St Mark's agreement

Town Counsel reviewed the proposed Exhibit D of the P&S agreement, which dealt with the restrictions of the golf course property, noting the following:

- A private restriction on the property lasts for 30 years, but can be renewed;
- There are issues with a private restriction versus a Conservation Restriction;

Mr. Cipriano recommended that the language be kept as-is in the current draft of the P&S without a new Exhibit D.

[Mr. Rooney left the meeting at 8:05AM.]

The Board noted that the work and opinions of the Golf Course Committee need to be recognized.

Mr. Cipriano was directed by the Board to strike Exhibit D, and keep the existing language that required at least 50% of the golf course property to remain as open space.

Mr. Kolenda motion to adjourn at 8:24AM, seconded by Mr. Cimino. Motion approved 4-0-0.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- Exhibit D of the P&S agreement with St. Mark's School.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
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2017 FEB 22 P 2:20

SOUTHBOROUGH, MA

Meeting Date: February 7, 2017

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, John Rooney, Paul Cimino, Town Administrator, Mark Purple

Absent:

I. Executive Session (closed to the public)

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, to consider the purchase, exchange, or value of real estate (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position. At the conclusion of executive session, the Board will reconvene in open session.

II. Open Session Meeting called to order at 6:49pm

Mr. Rooney provided a brief summary as to how St. Mark's and the Town arrived at the sale of the Golf Course. The Public Safety Study Committee did various site studies to house a new Police and Fire Station and found no other location but to expand the existing footprint on Main Street to accommodate a new facility. The new facility that was proposed and designed by the Public Safety Study Committee identifying current and future needs required additional space on the current property. Mr. Shea and Mr. Rooney, elected by the Board, approached St. Marks with a proposal. St. Mark's was not enthusiastic about the proposal. Within a day, St. Mark's presented the sale of the Golf Course to the Town. Mr. Rooney noted that the Head of School cannot make decisions without the authority from the Board of Trustees, therefore, he feels that the decision to sell the Golf Course was made prior to this meeting. For the next 15 months, Mr. Rooney and Mr. Shea engaged in negotiations with St. Mark's on the lead deal. As a result, negotiated terms (published on Town website) are the Town gets 60 acre parcel. St. Mark's gets 1.63 acres at 0 School Street, aka Stump Dump, and 2.34 acres parcel on 19 Main Street. The Town pays St. Mark's \$4.5M for the 60 acre parcel. St. Mark's will also give the Town a 3 year rent free lease so Police and Fire can remain in the current location during construction which results in a \$1M savings. In addition, St. Mark's will take full responsibility of the existing Police and Fire Station along with any required environmental remediation that needs to be done on that land. He concluded with a letter from St. Mark's dated February 7, 2017 highlighting a section indicating St. Mark's intent to sell the Golf Course. This letter is posted on the Town website.

III. Scheduled Appointments

1. Presentation from Citizen's Golf Course Group – John Wilson

Save the Golf Course Working Group members present are John Wilson (4 Middle Road), Andre Fortin (6 Ward Road), David Parry (22 Main Street) and Dick Cruciani (4 Ted Lane). Mr. Wilson formed this group since he received news that there might be action taken on the Golf Course. The group met with a Golf Course Designer, Brian Silva and Mr. Fortin presented reconfigurations of how the Golf Course can be modified to co-exist with the Public Safety Complex. Mr. Parry showed schematic layouts incorporating Mr. Silva's plans. Mr. Cruciani briefed on the Golf Course Operation and Mr. Wilson ended the presentation with revenue and expenses on operating the Golf Course. Mr. Wilson's intent is to present to the Board a

plan that could fit into the boundaries that are left outside of the Police and Fire Complex on the Golf Course property. He asked the Board to support this proposal.

2. Report from the Public Safety Committee – Jason Malinowski

Mr. Malinowski, Public Safety Committee Chair and all Committee members are present. He said this Committee has been together for over 2 years and the original recommendation that this Committee made still stands today. Mr. Malinowski provided a brief presentation showing schematic design and building layout. He also shared a current breakdown of the total projected cost and a comparison to prior estimate in December 2015. The current projected cost is an “all in” proposal but this Committee will defer to the Board’s judgement as to where to cut back. He also suggested ways to manage cost by finding alternative funding sources for traffic signals and communications. This Committee asked their consultant, Donham & Sweeney to evaluate Plan A that was presented by the citizens of the Golf Course Group. The consultant prepared a report at no extra cost to the Town where Mr. Malinowski presented a slide of the report. Mr. Malinowski informed the Board that this Committee is listening to all feedbacks and has voted unanimously to accommodate any other needs so long it does not jeopardize the functional requirements of Police and Fire. Should there be a “No” vote in March, there are no site that would allow for siting of a combined public safety facility without acquiring additional land. The Town would lose the opportunity to acquire the Golf Course and for the Town to control its future uses. He finalized the presentation with request to the Board for feedback on site plan and cost estimates, Choate Field approvals, assistance with public education on the land deal and use of the parcel. Mr. Malinowski requested funding for printing and mailing of informational pamphlet to the residents on the articles being voted at Special Town Meeting. Mrs. Phaneuf asked Mr. Purple to look into other possible funding resources for the deferred cost items mentioned. Mrs. Phaneuf made a motion to authorize Mr. Purple to release \$1,000 for printing pending Town Counsel’s review. Mr. Kolenda seconded. All in Favor 5-0

Ms. Janet Maney, Advisory Chair, said the Advisory Committee have not taken a vote on this project but were very excited for the opportunity to acquire the St. Mark’s Golf Course and locate the Public Safety Complex on that property. They have not discussed the use of the additional land but is every interested in hearing proposals from other Committees.

3. Update from St. Mark’s Golf Course Master Plan Committee – Brian Shifrin

Mr. Shifrin, Chair, would like to thank members of this Committee. They have met multiple times per week with very lengthy meetings to collect and process information from various interest groups. This Committee has just recently concluded with their final round of information gathering and do not have a final report to deliver. He did send out an initial plan from their consultant, Bohler Engineer, to the Board namely focusing on the overall development of the site showing what can and cannot be developed, factoring in wetlands and setbacks. Mr. Lescalleet presented slides of Net Buildable Plan and how much of the land is developable if it were to be developed by the Town or privately. The schematic plan proved that the property is a highly developable piece of land. Mr. Shea thanked the Committee for undertaking a very aggressive meeting schedule and stepping up and following through on the commitment. Mr. Shifrin recognized the work of Matt Mvra, Boehler Engineers, who have been attending all the meetings and delivering a set of preliminary plans without the benefit of a signed contract.

IV. Reports

1 Chairman’s Report

Mr. Shea reported that the Town has achieved a Green Community Status. He turned it over to Mr. Purple to elaborate.

2. Town Administrator Report

Mr. Purple said there is up to \$140K in grant funds for energy reduction projects, uses of green projects to improve energy usage that the Town has the ability to apply for having achieved the Green Community Status. He would like to recognize the work of Carl Guyer, members of the Green Tech Committee and also John Parent and Lori Esposito for putting through the application process.

V. Consent Agenda

1. Approve Meeting Minutes: January 3, 2017, January 17, 2017
2. Appoint Mary C. O'Brien to Southborough Scholarship Advisory Committee, term 6/30/19
3. Appoint Karina Quinn, Town Planner, to:
 - Economic Development Committee, Ex-Officio Town Planner member, term 6/30/17
 - Southborough Emergency Planning Committee (unlimited term)
4. Sign March 8, 2017 Special Town Meeting Warrant
5. Sign Purchase and Sale Agreement for St. Marks land deal
6. Approve construction Right-of-Entry for MADOT project

Mr. Shea made a motion to approve minutes from January 3 2017. Mr. Kolenda seconded. All in favor 4-0-1 Mrs. Phaneuf abstained.

Mr. Shea made a motion to approve minutes from January 17, 2017. Mr. Kolenda seconded. . All in favor 5-0

Mr. Kolenda made a motion to approve items 2, 3, and 4 as written. Mrs. Phaneuf seconded. All in favor 5-0

Mr. Shea recommended to hold item 5. The Board has posted a meeting for Friday morning to complete the Signing of the Purchase and Sale Agreement. Mr. Cimino added that there are a few things that need to be made before signing it which will only take a short time. The Purchase and Sale Agreement will be posted immediately on the Town website.

Mr. Kolenda made a motion to approve Item 6. Motion failed 2-2-1 Mr. Cimino and Mr. Rooney opposed with abstention from Mrs. Phaneuf.

VI. Other Matters Properly Before the Board

Board positions on Special Town Meeting articles (may vote)

Mr. Shea asked if the Board members would like to take a position on the articles presented. Mr. Shea recommended that the Board support Articles 1 & 2. Mr. Kolenda seconded. All in Favor. The remaining Articles 3 to 8 are Citizen Petition Articles where each sponsor provided a brief statement supporting their article.

Article 3- The Board will take a position at Special Town Meeting

Article 4- The Board unanimously voted to not support this Article

Article 5 -A presentation will be presented at Special Town Meeting where the Board will take a position.

Article 6 – The Board does not support the way the Article is constructed. Mr. Kolenda made a motion to not support Article 6. All those in favor 4-0-1. Mr. Shea abstained.

Article 7 – Mr. Kolenda made a motion to not support Article 7. Mr. Rooney seconded. All in Favor 5-0

Article 8 – Mr. Kolenda made a motion to not support Article 8 as written. Mrs. Phaneuf seconded. All in Favor 5-0.

VII. Public Comment

Brian Shifrin (79 Oak Hill Road) spoke as Chair of the St. Mark's Golf Course Master Plan Committee, he wanted to make clear to the Board although this Board created the Committee to see what could be built on rest of the golf course property, there is no member that has taken that direction. He added his personal comment regarding the St. Mark's letter that was circulated. It has been rumored that St. Marks will accept the highest bidder if the deal does not pass at Special Meeting but the letter states they will entertain bids from other parties that may likely be higher. Mr. Shifrin said Article 1 presents to the Town the best opportunity to buy the land. The letter also reaffirms that St. Mark's will not sell the land without the land swap to us and will likely sell it privately.

VIII. Meeting adjourned at 10:50pm

UPCOMING MEETINGS

February 21, 2017

March 7, 2017

List of documents referred to at the February 7, 2017 meeting

BOS meeting Minutes dated January 3, 2017

BOS meeting minutes dated January 17, 2017

Citizen activity form from Mary C O'Brien

MADOT Right of Entry request form

Special Town Meeting Record

Letter from John Warren, Head of St. Marks School dated February 7, 2017

Submitted by Jenn Hom, Recording Secretary

**BOARD OF SELECTMEN
EXECUTIVE SESSION
February 7, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -31 A 11:08
SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Bonnie Phaneuf, Dan Kolenda, John Rooney, Paul Cimino. Also present: Aldo Cipriano, Town Counsel and Mark Purple, Town Administrator.

The Board entered Executive Session at 6:02PM by roll call vote to discuss the Purchase and Sale Agreement with St. Mark's School.

St Mark's agreement

The Board reviewed with Town Counsel the terms of the agreement for the land exchange with St. Mark's School and highlighted the following items:

- Land shall only be used for municipal purposes;
- Cannot include sale or lease to provide revenue to the town – Counsel will research if the term "lease" would prohibit allowing a third party to manage a golf course;
- 50% shall remain as undeveloped land to the extent permitted; the current agreement states "undeveloped open space" which the board is concerned with.

The Board approved the St Mark's terms of the agreement with modified language as discussed above. Approved 5-0-0 by roll call vote. On February 10, the Board will meet at 8 a.m. to sign the final agreement.

The Board voted to end Executive Session and moved to open session at 6:30 p.m.

Submitted by Vanessa D Hale, Assistant Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
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2017 DEC 27 A 9:45

SOUTHBOROUGH, MA

Meeting Date: Friday, February 10, 2017

Location: McAuliffe Hearing Room, Southborough Town House

Present: Chairman Brian Shea, Dan Kolenda, Bonnie Phaneuf, Town Administrator Mark Purple.

Absent: John Rooney and Paul Cimino participated remotely.

I. Meeting called to order at 8:00 AM

II. Approve Land Exchange Agreement between the Town and St. Mark's School

Mr. Shea reviewed the Purchase and Sale Agreement, which was tabled at the February 7, 2017 meeting. The major points of the agreement were reviewed, and after a brief discussion, Mr. Rooney made a motion to authorize and agree to the land exchange as presented in the Purchase and Sale Agreement, seconded by Mr. Shea. Unanimous vote to approve, 5-0-0. Mr. Purple will have the agreement posted on the Selectmen's page of the Town website following the meeting.

The meeting was adjourned at 8:20AM by unanimous vote, 5-0-0.

Submitted by Mark Purple, Town Administrator



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2017 MAR 23 A 10:51

Meeting Date: February 21, 2017

Location: McAuliffe Hearing Room, 17 Common Street, Southborough MA

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, John Rooney, Town Administrator,
Mark Purple

Absent: Paul Cimino

I. Called Meeting to Order at 6:31pm

II. Scheduled Appointments

1. Presentation of STM Article 5 – Timothe Litt

Mr. Litt made a presentation on Article 5, Standing Municipal Technology. He explained the structure, responsibilities, and goals for this proposed committee. Mr. Litt will be hosting a public forum at the Library on Thursday, February 23rd at 7pm to provide more information to the residents. He will also make a brief presentation at Special Town Meeting. Mr. Rooney called attention to another public form to be held at the same time at the Community House regarding the Public Safety Building which may result in low attendance to the STM presentation at the library. Roger Challen, 29 Oak Hill Road, co-sponsor of Article 5, stated that the Board of Trustees of the Library are in support of Article 5.

2. FY18 Budget update- Brian Ballantine, Finance Director

Mr. Ballantine provided a presentation on the FY18 budget status. The estimated tax rate increase is 2.96% with an average residential increase for FY18 estimated at \$279.91. The initial proposed increase was 6.41%, after updated figures went down to 4.19%, with further reductions has dropped to 2.96%. He went through the steps to alleviate the increase and budget requests and recommendations for FY18. The Board appreciates the presentation. Mr. Shea requested further discussion to allow Mr. Purple and Mr. Ballantine to continue to refine the budget as best as possible and present options with services and other departments added in to see what the tax increase effect looks like with the changes. The Board is in agreement with the direction of the budget proposal and will await further analysis to be presented at the next meeting.

III. Reports

1. Chairman's Report

Mr. Shea noted that the Board received a letter from Southborough Open Land Foundation dated February 17, 2017 referencing support of St. Marks Golf Course Property with a conservation restriction on the balance of the land outside of the Public Safety Complex. The Board also received an email from Open Space Planning Commission referencing support of Article 1 and 2 at the Special Town Meeting with an amendment requiring a conservation in perpetuity. The Public Safety Study Committee and St. Mark's Golf Course Committee will have a joint meeting on Thursday, February 23, where the Golf Course Group will also host an open forum. In response to the overwhelming comments made by residents at various town meeting for a conservation restriction to be put on the golf course property, Mr. Purple has started to work with Town Counsel on the wording of a potential amendment for Article 1 to include a conservation restriction. Mr. Shea also requested Mr. Purple to post a BOS Meeting at the Thursday evening forum held at the Community House.

The Public Safety Study Committee has finalized a site plan that will also be presented that evening.

2. Town Administrator Report None

IV. Consent Agenda

1. Approve Open Session Meeting Minutes: December 6, 2016, February 7, 2017, February 10, 2017
2. Accept donations of \$2700.00 for Southborough Youth and Family Services
3. Approve and sign Amended and Restated Sewer Connection Agreement with N.E. Center for Children Inc.
4. Approve and sign Firefighters Union Local 3129 Memorandum of Agreement

Mr. Shea request to hold minutes dated February 10, 2017

Mr. Kolenda made a motion to accept items 1 to 4 excluding minutes dated February 10, 2017. Mr. Rooney seconded. All in Favor 4-0

V. Other Matters Properly Before the Board

The Board is in support of Article 5 based on the presentation made this evening.

VI. Public Comment

Mr. Don Morris, Planning Board Chair, would like to provide a clear distinction between the site plan as referred to with the Public Safety Study Committee and the official site plan. The official site plan has to be filed with a site plan submitted which goes through a fully engineered site plan review process. The current plan with the Public Safety Study Committee can be referred to as a site plan in general terms.

The Board adjourned their open session at 7:53pm.

Roll call vote to enter into Executive Session was recorded as follows: Shea-aye; Phaneuf-aye; Kolenda-aye; Rooney-aye

VII. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Exemption #3, to discuss pending litigation, as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position; the Board will not be returning to open session at the conclusion of Executive Session.

<p style="text-align: center;"><i>Upcoming Meetings</i> <i>February 28, 2017</i> <i>March 7, 2017</i> <i>March 8, 2017 (Special Town Meeting)</i></p>

Submitted by Jenn Hom, Recording Secretary

List of documents referred to at the February 21, 2017 BOS Meeting

- Municipal Technology draft
- FY18 Budget Report
- BOS Meeting Minutes dated December 6, 2016, February 7, 2017 and February 10, 2017

- **Donation letter from Sarah Cassell dated February 3, 2017**
- **Amended Sewer Connection Agreement**
- **Memorandum of Agreement Southborough Firefighters Union, Local 3129**

**BOARD OF SELECTMEN
EXECUTIVE SESSION
February 21, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -3 A 11:08
SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Bonnie Phaneuf, Dan Kolenda, and John Rooney. Also present: Aldo Cipriano, Town Counsel, Jay Talerman, Special Counsel, and Mark Purple, Town Administrator.

Mr. Shea called the meeting to order at 7:53PM.

Planning Board appeal of ZBA Park Central decision

Town Counsel reviewed the history of the filing and the dismissal of the Planning Board appeal. He noted that Atty. Catanzaro tried to halt the issuance of the judgment so that sanctions could be filed. Atty. Catanzaro views the actions of the Planning Board as harassment of his client. Atty. Brackett has continued to represent Meme Luttrell as a Planning Board member. Mrs. Phaneuf asked how Mr. Brackett could be removed from the case, and Atty. Talerman explained the process. Town Counsel will send a letter to Atty. Brackett that Atty. Talerman is the sole representative for the Planning Board in this case. Then Atty. Talerman can send a letter to Atty. Brackett requesting that he cease involvement in the case.

Mr. Kolenda made a motion to assign Atty. Talerman as counsel for the Planning Board to defend against the sanctions and provide notice to the Planning Board, seconded by Mr. Rooney. Motion was approved by roll call vote, 4-0-0.

Mr. Kolenda motion to adjourn at 8:17PM, seconded by Mr. Rooney. Motion approved 4-0-0.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2018 DEC -5 A 10: 28
SOUTHBOROUGH, MA

Meeting Date: Tuesday, February 28, 2017, 6:30 P.M.

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Brian Shea, Bonnie Phaneuf, John Rooney, Town Moderator, Steve Morreale

Absent: Daniel Kolenda, Paul Cimino

I. Chairman Shea called the meeting to order at 6:31 P.M.

II. **Joint Meeting with Town Moderator, RE: March 8, 2017 Special Town Meeting preparation**

Moderator Morreale stated he will review the warrant and list of motions that will be made during Special Town Meeting. They were available for the public. Mr. Morreale explained Article 1 was proposed by the Board of Selectmen and required a 2/3 vote. Moderator Morreale asked who would be making presentations in support of Article 1. Mr. Shea said a board member will give a brief background on the discussions with St. Mark's, the Public Safety Study Committee will make a presentation, and the St. Mark's Golf Course Master Plan Committee will give an update on work they have done. Mr. Rooney said Advisory will give a report on the borrowing capacity. Mr. Shea recommended that Advisory offer their report when asked their opinion on the article. Moderator Morreale said he would take that under advisement and the discussion regarding capacity to pay would be at the top of the presentations. He asked the public if anyone else wanted to make a presentation.

Freddie Gillespie (78 Southville Road) stated she would be making a presentation in opposition to Article 1 as a co-sponsor of Article 4. Moderator Morreale stated his concern that those speaking in opposition may introduce a later article too soon. Ms. Gillespie said this would be in opposition to Article 1 and there would be no mention of Article 4. She said there would be a second presentation made in opposition to Article 1 but she does not know the presenter at this time. Ms. Gillespie said there may be changes to Article 1 and depending on the final draft, the second presentation in opposition may change. Moderator Morreale said he needed all presentations by Monday end of day for review and approval. Kate Burke (14 Birchwood Drive) said she would be presenting in opposition to Article 1 regarding the finances and public safety. She asked how the articles came to be ordered for the meeting. Moderator Morreale said the warrant was drawn by the Selectmen. He then asked Mr. Shea to elaborate on Ms. Gillespie's allusion to changes to Article 1. Mr. Shea replied there may be more language added to include a conservation restriction. He stated the language was added to the article but the Board had not taken an official position on the conservation restriction as they were waiting for a recommendation from the St. Mark's Golf Course Master Plan Committee. He said a vote will be finalized for this motion at the scheduled Thursday meeting. John Wilson (4 Middle Road) said the Save Our Golf Course group would make a presentation on Article 1. Tom McCarthy (13 Latisquama Road) asked if The Save Our Golf Course Committee was part of Article 1. Mr. Wilson said their presentation was in support of Article 1 only. Moderator Morreale stated that Article 3 would most likely be withdrawn if a conservation restriction is put into Article 1. He was leaning towards 15-20 minutes per presentation. Ms. Burke asked if the dollar amount would change by including golf renovations into Article 1. She wanted the public to know there was no funding

allocated for golf in Article 1. Mr. Shea confirmed that the golf course renovations were not included in the final number in Article 1 because the analysis had not been done to determine the cost. Mr. Wilson explained the renovations needed to remodel the golf course and said their consultant, Brian Silva, estimated about \$200K for the work. Tim Litt (148 Woodland Road) said there were four interrelated articles and asked the moderator to explain the relation to avoid confusion to the public. Moderator Morreale said he would give that consideration. Vincent Valvo (7 Latisquama Road) voiced his concern regarding the potential confusion created if it is allowed for those representing the interrelating articles to speak in support or opposition of the other related articles. Moderator Morreale said he understood and after the review tonight he would have a clear view of the outline for speakers. Ms. Gillespie had questions regarding motions and when they will be allowed. The Town Clerk, Jim Hegarty, requested that if someone wanted to change the wording of any motions to send the modifications to him ahead of the meeting. Mr. Rooney said the Board was meeting on Thursday and they will be finalizing the wording for Article 1. They will provide it to Moderator Morreale by Friday morning. There was discussion regarding how amendments and motions were made and voted on. Mr. Wilson gave clarity to these processes. Ms. Burke stated she felt the process and warrant was being rushed. Moderator Morreale replied that time limits on these processes are in the rules of order.

Moderator Morreale moved on to Article 2 which will be sponsored by the Board and introduced by Chairman Shea. Chairman Shea stated there was no presentation planned for this article. This article needs to be approved at town meeting in addition to Article 1 for the town to execute the land swap and buy the golf course from St. Mark's. He explains that Article 2 needed to be a separate article as a special act is required and therefore a separate vote is needed. Chairman Shea said he believes that if Article 1 passes by 2/3 vote, then Article 2 would do the same. If Article 1 does not pass, then Article 2 would be postponed indefinitely. Town Counsel Cipriano explained the differences between Articles 1 and 2. He added that Article 2 is a majority vote. Moderator Morreale asked if there were any presentations to be made in support or opposition to Article 2 and there were none.

Moderator Morreale moved on to Article 3 which will be sponsored by David Parry to create a conservation restriction on the golf course. Mr. Parry said he will be doing the presentation. He stated that if Article 1 and 2 pass with a conservation restriction, he would indefinitely postpone Article 3. If Article 1 and 2 pass without a conservation restriction, he will present. Moderator Morreale said this is 2/3 vote. Town Counsel Cipriano said because placing a conservation restriction on the property is an interest in real estate, there must be a 2/3 vote.

Moderator Morreale moved on to Article 4 which will be sponsored and presented by Ms. Gillespie. Town Counsel Cipriano explained that because the article asks the public to approve an acquisition of land, it would be a 2/3 vote. Ms. Gillespie stated that if Article 1 passes, Article 4 would be postponed indefinitely. There were no additional presentations planned.

Moderator Morreale moved on to Article 5 which will be sponsored by Roger Challen who was unavailable to attend the March 8th Special Town Meeting. He asked if Mr. Litt could make the motion and present this article in his absence. Moderator Morreale said he would allow it. Mr. Litt explained there were some typos in the warrant and will ask the public to vote on the language in the handout instead. Paul Desmond (5 Pinecone Lane) said he will most likely be speaking in opposition to Article 5. He said the School Committee was meeting the night before Special Town Meeting and will vote on their position then.

Moderator Morreale moved on to Article 6 which will be sponsored and presented by Sam Stivers (7 Presidential Drive). This article would require a majority vote. Mr. Stivers said he will speak to Articles 6, 7, and 8 because he is sponsoring all three. He stated there are minor edits needed to be made to the articles and he will ask the town to vote on the language in the handout as opposed to the warrant. Mr. Stivers said there will be presentations for Articles 6, 7, and 8. There were no other presentations in support of this article. Mr. Shea stated he would speak to the position of the Board on Article 6. He says depending on the planned changes from Mr. Stivers, the Board may change their position. Mr. Stivers explained the adjustments he planned to make to Article 6. Mr. Shea said the Board plans to meet in advance of Special Town Meeting and will vote on their recommendation then.

Moderator Morreale moved on to Article 7 which will be sponsored and presented by Mr. Stivers. The article requires a majority vote. Mr. Rooney stated that Mr. Kolenda had concerns with this article and he may plan to speak in opposition. He asked Moderator Morreale to tentatively reserve time for a presentation from Mr. Kolenda.

Moderator Morreale moved on to Article 8 which will be sponsored and presented by Mr. Stivers. This article required a majority vote. Mr. Stivers said there will be some amendments to the article. Mr. Rooney said Town Counsel Cipriano would want to inform the residents at Special Town Meeting about the implementation of this article should it pass. Attorney Cipriano explained that the article decentralizes legal services for a town. He explained his opinion that the approval of this article could create potential contentious litigation between town boards and add expense to the town. Mr. Stivers replied that his attorney confirmed that this would likely be approved by the Attorney General. He said the intent is to create a safety valve to avoid conflict for representation between boards. Attorney Cipriano explained the past legal case between two town boards that Mr. Stivers alluded to. He said the outcome of that case proved that the current procedure works. Attorney Cipriano asked for the name of Mr. Stivers' attorney to speak about this further. Mr. Stivers declined to give the name of his attorney. Janet Maney (21 Skylar Drive) stated that Advisory had not taken votes on any articles but believes they will oppose this one. She asked when Advisory will be able to present their opinions on the articles. Moderator Morreale stated that he will ask the position of the Advisory Board after the motion and second for the article, and after the Board of Selectmen give their position.

Mr. Morreale then gave an overview of the changes from prior town meetings. He explained that questions from residents would not be allowed unless they are at a microphone. There would be

tellers at the end of the line of microphones and he will call the vote when he believes there had been enough debate. Mr. Hegarty gave an overview of how to expedite the check-in process and where the overflow voters will be seated. Mr. Hegarty said they are changing the way the votes are counted. After visiting other town's meetings, he decided to adopt their practice of handing out voting cards upon check-in. He explained that if you leave the auditorium without your voting card, you will not be permitted back in. Town employees or other non-residents will be escorted to the band room. For the limited number of non-residents who are required to be in the hall, they will be given a red card with identification to go in and out of the auditorium. He believes these processes will ensure the integrity of the vote and accelerate the process of check-in and the meeting as a whole. Mrs. Phaneuf asked if there will be portable microphones for those who cannot get to the microphones. Mr. Hegarty replied yes and tellers will be on hand to make sure those people have their turn and have microphones delivered to them. Mr. Hegarty explained the process for a ballot vote if a motion is made to so.

Mr. Wilson explained that amendments should not be allowed until general discussion begins which is after all presentations. Moderator Morreale said that was his intention. Ms. Gillespie asked to clarify that there can only be one amendment and then one motion on the amendment. There were comments from the floor and Ms. Gillespie stated she was satisfied with the explanation. Mr. Parry asked Mr. Morreale to ask residents to stay if Article 1 passed in order to avoid missing a later motion to reconsider. Mr. Morreale asked if there were any other comments and there were not. He said anyone with questions or comments can reach out to him at moderator@southboroughma.com.

III. Other Matters Properly Before the Board

None.

IV. On a motion made by Chairman Shea, seconded by Mr. Rooney and voted all in favor, the meeting was adjourned at 8:11 P.M.

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the February 28, 2017 BOS Meeting:

- Special Town Meeting Warrant of the Town Of Southborough for Special Town Meeting on March 8, 2017



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2017 MAR 23 1 A 10: 51
SOUTHBOROUGH, MA

Meeting Date: March 2, 2017

Location: McAuliffe Hearing Room, 17 Common Street, Southborough MA

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, John Rooney, Paul Cimino (remote by phone), Town Administrator Mark Purple

Absent: None

I. Called Meeting to Order at 6:30pm

Mr. Shea noted that Mr. Cimino was participating remotely by phone due to work responsibilities.

II. Discussion of STM Article #1 motion

Brian Shifrin, Chair of the Golf Course Master Plan Committee (GCMPC), presented the current findings of his committee to the Board. Mr. Shifrin acknowledged the work of the committee, the collaborative approach with the Public Safety Study Committee, and the majority opinion of the Committee that the remainder of the golf course property not reserved for public safety should be placed under a conservation restriction (CR).

Brian Shea read the motion for Article 1 as prepared by Town Counsel, which included language for a CR.

Andrew Mills asked if the Town votes down Article 1, will the Selectmen renegotiate with St. Mark's? Mr. Kolenda said no.

Karen Muggeridge suggested that the remainder of the golf course should not be placed under a CR, as it limits what future boards and committees can do with the property. Mr. Rooney said that placing a CR on the remainder of the golf course is the best course to get the public safety facility, which is the priority. Mr. Cimino agreed with Mr. Rooney.

Lisa Braccio reviewed the list of suggested changes to the motion from Open Space Preservation Commission (OSPC). The Selectmen were more comfortable staying with the motion as prepared by Town Counsel. Mr. Shea asked Mr. Purple to check with Town Counsel to see if adding sections 32 & 33 to the MGL cite was appropriate, as well as the addition of "perpetual" to the conservation restriction itself. Ms. Braccio said that OSPC was meeting on Monday to discuss the Board's vote. Mr. Cimino requested that OSPC take positions on Articles 1-4, and report back to the Board. Mr. Braccio said that she will do that.

Vincent Valvo said that if Article 1 fails, he hopes the Selectmen would entertain going back to St. Mark's for further negotiations.

Mr. Kolenda motion to approve the motion for Article 1 as prepared by Town Counsel, seconded by Mr. Rooney. Unanimous roll call vote to support, 5-0-0.

Mr. Cimino ended his phone connection at 7:33PM.

III. Discussion of FY18 Budget recommendation

Brian Ballantine, Finance Director, provided the Board an updated budget presentation on the FY18 budget, including information for the costs of adding back the three FT positions for Police, ZBA, and DPW. The recommendation from the Finance team remained the proposed budget resulting in a 1.93% tax increase, which did not include any of the new positions. Mr. Kolenda wanted the Police and ZBA positions to be the priority. Ms. Phaneuf agreed with Mr. Kolenda, but also wanted to add in the DPW position. Mr. Rooney agreed to add in all three positions, as the result was only a \$0.07 increase on the tax rate. Mr. Shea also concurred with adding all three positions. Mr. Purple urged caution for the ability to maintain the new positions in a climate of flat revenue growth, a large pending capital expenditure (Public Safety Facility). The declining debt service is making a 3.4% tax increase result in a 2.4% tax increase. Mr. Rooney said that he wants a future discussion on revenue.

Mr. Kolenda motion to approve the FY18 budget as presented with the three additional positions (Police, ZBA, DPW) included, seconded by Mr. Rooney. Unanimous vote to support, 4-0-0.

IV. Other Matters Properly Before the Board

Mr. Shea discussed a notice received about a MWRC meeting on 3/16, and asked about whether or not any Board members could attend. No one could, and Mr. Shea said he would speak with Mr. Cimino about his availability.

Mr. Shea discussed a request from St. Mark's to extend the due diligence period under the Purchase & Sale to 4/3, as recommended by Town Counsel. Mr. Kolenda motion to approve as presented, seconded by Mr. Rooney. Unanimous vote to support, 4-0-0.

Mr. Rooney acknowledged the passing of Assistant Town Administrator Vanessa Hale's father.

V. Adjournment

Motion to adjourn by Mr. Rooney at 7:43PM, seconded by Mr. Kolenda. Unanimous vote, 4-0-0.

<p><i>Upcoming Meetings</i> <i>March 8, 2017 (Special Town Meeting)</i> <i>March 21, 2017</i></p>

Submitted by Mark Purple, Town Administrator

List of documents referred to at the March 2, 2017 BOS Meeting

- GCMPC PowerPoint presentation
- Draft motion for Article 1 of the 3/8/17 STM warrant
- FY18 Budget PowerPoint presentation
- Memo from Town Counsel, RE: Due diligence extension

BOARD OF SELECTMEN

MARCH 8, 2017

TROTTER SCHOOL

49 Parkerville Road, Southborough, Massachusetts

RECEIVED
TOWN CLERK'S OFFICE

2018 DEC -6 P 12:46

SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Paul Cimino, Dan Kolenda, Bonnie Phaneuf, John Rooney. Also present: Town Counsel Aldo Cipriano, Town Administrator Mark Purple.

At 6:00 p.m., Mr. Shea called the meeting to order, for the purpose of reviewing and/or recommending any warrant article(s) being presented at the Special Town Meeting this evening.

Article 1: The Board voted unanimously to accept the amended proposed motion. 5-0.

Art 2: The Board will introduce it as printed in the warrant, then move to an amendment. Approved 5-0.

Art 3: If Art 1 passes as proposed, the Board will move to postpone.

Art 4: The Board unanimously opposes this article. The Open Space Committee voted to support article 1. If 1 passes, they will not support article 4.

Art 5: The Board unanimously supports this article, as does the Library. The school department does not and would prefer indefinite postponement. They like the Arlington bylaw which is cleaner and just one page and believe a spirit of collaboration is missing. Mr. Kolenda made a motion to modify the position of the BOS to postpone so they can come back in April and appear more collaborative with a stronger bylaw which all parties agree on. Mr. Rooney tried to convince Mr. Litt to work with the schools, given all the time people have spent on this, to bring back a stronger article at the annual town meeting.

Town Counsel opined that with five more weeks of review, and a co-sponsor, he could help edit the proposed bylaw that is fully authorized and supported by other parties.

Mr. Litt agreed that he would welcome working with Counsel and a member of the Board of Selectmen. [Mr. Kolenda and Mr. Rooney volunteered]. The Board voted to postpone this article by voting 5-0.

Art 6: The Board did not support. Mr. Stivers will propose changes tonight.

Art 7: The Board did not support removal of appointed officials, feeling it would dampen the interest in volunteering.

Art 8: The Board does not support this article.

The meeting adjourned at 6:51 p.m. to commence the Special Town Meeting.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

Documents used during the meeting:

- Special Town Meeting warrant



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2017 APR -6 1 A 9:38

SOUTHBOROUGH, MA

Meeting Date: March, 21, 2017

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, Town Administrator, Mark Purple

Absent: John Rooney, Paul Cimino (participate remotely)

I. Called Meeting to Order at 6:30pm

II. Scheduled Appointments

1. Next Steps for Public Safety Facility – Jason Malinowski, Chair, PSSC

Mr. Malinowski is very pleased with the results of the Special Town Meeting. Before discussing and proposing next steps, he asked the Board to articulate the need for the 2.5% override referring to a question on the ballot on May 9. Mr. Shea said that the article that passed included a question indicating that a debt exclusion would be on the ballot. It is critical that we advocate for the support of the passage of the question at the Annual Election. (Mr. Cimino participated remotely at 6:34pm). The Board concurred. Mr. Malinowski and the Public Safety Committee members will continue to educate the residence that a vote is still required and will answer any questions that may come before the Committee. The Committee has fulfilled their charge and recommended the Board to consider the three items going forward.

1) Draft a bid for owner's project manager to be ready for middle of May. 2) Procure additional architectural design services. 3) Start to draft a charge and assemble a Building Committee to see the project going forward. The Board recognized the excellent work of the Public Safety Committee. Mrs. Phaneuf suggested that the Board members work on the charge for the Building Committee and forward it to Mr. Purple.

Desiree Aselbekian (137 Woodland Road) urged the Board to consider converting the Public Safety Committee into the Building Committee. It is a diversified group with a strong composition of experience and knowledge that spent two years doing all the research for this project and vetted every site. They have the base knowledge to complete this project.

Mr. Malinowski would like to note a special thank you to the St. Marks Golf Course Master Plan Committee for their work.

David Parry (22 Main Street) would like to thank the Public Safety Committee and the St. Marks Golf Course Master Plan Committee for their incredible work.

2. Presentation on Citizen's Academy – Police Chief Ken Paulhus

Chief Paulhus requesting permission to hold a Citizen Police Academy for 8 weeks starting in April. Mr. Kolenda made a motion to support the Citizen Academy as presented by the Chief Paulhus. Roll call vote: Shea-aye; Phaneuf-aye; Kolenda-eye; Cimino-aye

III. Reports

1. Chairman's Report

Mr. Shea has three items to share 1) He attended a Metro West Planning Commission Meeting on trails. The group is actively working with all the communities in Metrowest to close gaps that exist in current trails throughout the Metrowest community. They have targeted at least two gaps in each of the community and asked each community to identify a key person to work on the gap closure trails. Mr. Shea will reach out to the Trails Committee Chair, Dan Guilford. 2) There has been discussions about MBTA eliminating weekend services on the

commuter rail. He noted a letter from the State indicating weekend service suspension beginning this summer and continuing into 2018 for the MBTA to implement positive train control system. Mr. Purple will reach out to the Rep. Dykema to get more information. 3) The April 4th agenda will include an item to resolve the hearing concerning Mr. Bartolini. Mr. Shea asked Mr. Purple to advise all parties interested to attend. Mr. Cimino said he has a conflict on April 4th. The Board will regroup and determine another date that will work.

2. Town Administrator Report

Mr. Purple would like to publicly recognize Ms. Esposito's work on the 2016 Annual Report.

IV. Consent Agenda

1. Approve Meeting Minutes: February 21, 2017, March 2, 2017
 2. Appoint Brian G. Shifrin to Affordable Housing Trust Fund Committee, term to expire 6/30/17
 3. Extend Winter Parking Ban to April 1, 2017
 4. Accept donations of \$400.00 for Southborough Youth and Family Services
- Mrs. Phaneuf moved the Board to approve the minutes of February 21, 2017 as amended.
Mr. Kolenda seconded. Shea-aye; Phaneuf-aye; Kolenda-aye; Cimino-abstained
Mrs. Phaneuf moved the Board to approve the minutes of March 2, 2017 as presented.
Mr. Kolenda seconded. Shea-aye; Phaneuf-aye; Kolenda-aye; Cimino-aye
Mr. Kolenda moved the Board to approve items 2 to 4. Mrs. Phaneuf seconded.
Shea-aye; Phaneuf-aye; Kolenda-aye; Cimino-aye

V. Other Matters Properly Before the Board

1. Review draft warrant for April 25, 2017 Annual Town Meeting

Mr. Shea would like to go through the draft warrant and determine which articles would require presentations be made before the Board. The Board agreed that the Noise Ordinance requires more work and will be removed from the warrant. Mr. Purple will invite CPC, Personnel Board, Historical Commission, Planning Board, Town Clerk and the three proponents of the Citizen's Petition to make presentations on the April 4th BOS Meeting. Ms. Aselbekian asked a question on Article 20 regarding disposition of the Fayville Hall and why the South Union is taken out of the article this year. Mr. Purple said the South Union was never included in the article. Mr. Purple recommended to have John Parent, Facility Manager, make a presentation on the underutilized buildings.

VI. Public Comment

None

The Board adjourned their open session at 7:50pm

Roll call vote to enter into Executive Session was recorded as follows: Shea-aye; Phaneuf-aye; Kolenda-aye; Cimino-aye

VII. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and will not return to Open Session, to consider the purchase of real property (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position.

Upcoming Meetings

April 4, 2017

April 18, 2017

Submitted by Jenn Hom, Recording Secretary

List of documents referred to at the March 21, 2017 BOS Meeting

- Letter dated March 3 from Chief Paulhus on Citizens Police Academy
- BOS Meeting Minutes dated February 21, 2017 and March 2, 2017
- Citizen Activity Form – Brian Shifrin
- Donation Memo Sarah Cassell dated February 10, 2017
- Draft Warrant

**BOARD OF SELECTMEN
EXECUTIVE SESSION
March 21, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -3 A 11:08
SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Bonnie Phaneuf, and Dan Kolenda. Also present: Aldo Cipriano, Town Counsel, Jay Talerman, Special Counsel, and Mark Purple, Town Administrator. Paul Cimino participated remotely by phone.

Mr. Shea called the meeting to order at 7:55PM.

Purchase & Sale Agreement with St. Mark's School

Town Counsel discussed post-town meeting actions to be taken per the P&S agreement. He outlined the St. Mark's issues for the Phase I testing of the Town properties. Town Counsel said that there are minor modifications required to the timelines in the agreement. He also noted that the P&S does not address who pays for the remediation of any environmental issues that are found. If O School Street has issues, St. Mark's has said that they may remove the parcel from the deal. The Town also needs to do a Phase I on the golf course property.

Town Counsel asked the Board whether or not it wanted to allow St. Mark's to do a Phase II on the Town parcels. Mr. Kolenda made a motion to allow permission for St. Mark's to conduct a conditional Phase II assessment, noting that whatever issues are discovered are owned by St. Mark's, and that the Town's liability is capped at the value of the rollback taxes owed by St. Mark's. Motion seconded by Mr. Cimino, and unanimously approved by roll call vote, 4-0-0.

Town Counsel also noted that he has begun a draft Conservation Restriction favorable to the EEA.

Mr. Kolenda motion to adjourn at 8:35PM, seconded by Mrs. Phaneuf. Motion approved 4-0-0.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2017 APR 19 P 12:52

Meeting Date: Monday, April 3, 2017, 6:00 pm

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, Paul Cimino, Mr. Rooney, Town Administrator, Mark Purple

Absent:

I. Called Meeting to Order at 5:59pm

Selectmen Shea, Kolenda and Cimino are present to vote on a decision on the Bartolini removal hearing. Selectmen Phaneuf and Rooney are not present as they recused themselves from these proceedings.

II. Decision on Bartolini Removal Hearing (*Board may vote*)

Mr. Shea would like to remind the audience that the public hearing portion of this process is closed. There will be no public comments or further comments from the complainants or the defendants. What remain is the deliberation from Mr. Shea, Mr. Kolenda, and Mr. Cimino. They each shared their thoughts to support their decisions that have been reached. Mr. Kolenda moved not to remove Mr. Bartolini from the ZBA Planning Board. Mr. Cimino seconded. Mr. Shea further moved that this Board make the vote contingent that Mr. Bartolini recuse himself on future ZBA matters relative to Park Central until the conflict of interest matters are resolved. Mr. Kolenda seconded. All in Favor 3-0 The decision on the hearing closed at 6:26pm.

Mr. Shea called for recess until 6:30 pm

Meeting is back in session at 6:30pm and all selectmen are now present.

Mr. Rooney said he has been a subject of discussion over the past weeks which has called into question his ethics, values, and decision making abilities. It has been difficult to convince himself and the people that serving the Town in this capacity is worth it. Mr. Rooney announced his decision to resign from his seat immediately. He felt that it made sense to do it now due to the upcoming election cycle.

III. Scheduled Appointments (6:30pm)

1. Annual Town Meeting warrant articles review:

a. **Article 5 (SAP Bylaw) – Joe Lanning, Personnel Board**

Mr. Laning, Personnel Board Chair is present to answer questions and concerns from the Board. Ms. Desiree Aselbekian (137 Woodland Road) addressed her concerns that the pay grade is below State Minimum wage rate and needs to be updated to reflect the minimum wage. Mr. Laning will amend and prepare a handout available at the ATM. Ms. Phaneuf made a motion to support Article 5 with the suggested amendment be made available as a handout at ATM. Mr. Kolenda seconded. All in favor 4-0

b. **Article 12-20 (CPA articles) – Frederica Gillespie, CPC**

Ms. Gillespie presented Articles 12 to 20. Ms. Gillespie asked Ms. Ferguson, Recreation Director to elaborate on Articles 18, 19, 20 regarding recreation related projects. Ms. Phaneuf noted that the Center Street should be corrected to Central Street. Mr. Kolenda suggested that a presentation be made available for Article 18 at ATM. The Board remain supportive on all the Articles as written.

c. **Article 24 (Disposal of property)- John Parent, Facilities Director**

Mr. Parent and Mr. Hubley (Historical Chair) surveyed the building and summarized that the current conditions makes it very cost prohibitive to maintain. Mr. Parent will present prospective cost estimates for continuous maintenance of the building and have analysis ready in advance when this article is presented at ATM. The Board is in support of Article 24.

d. **Article 26-30 & 34 (Adaptive reuse bylaw, historical preservation planner)- Joe Hubley, Historical Commission**

Ms. Matison and Mr. Weishan are present to brief on these articles and answer questions from the Board on Article 34. Ms. Phaneuf suggested to get authorization from Town Counsel that this will not affect the Main Street Project and the Public Safety Facility. Mr. Purple will work with Town Counsel. The Board will make their decision at ATM upon review by Town Counsel. Mr. Parry discussed Article 26 to 30. The purpose is to encourage adaptive reuse of historic buildings. The issues are still being discussed with the Board and will be addressed at ATM.

e. **Article 31-33 (Recreation Marijuana) – Karina Quinn, Town Planner**

Mr. Stein presented Articles 31 & 32 as proposed by the Planning Board are to prohibit the sale of recreational marijuana. Mr. Shea moved the Board to support Articles 31 & 32, Article 33 will have further discussion at ATM. All in Favor 4-0

f. **Article 36-39 (Town code updates) – Jim Hegarty, Town Clerk**

Mr. Hegarty briefed on Articles 36 to 39. The Articles provide qualifications and updates with the current practices. The Board supports Articles 36 to 39.

g. **Article 40 (Citizen's Petition: Alternative PSF sites) – Jack Barron**

Mr. Barron is not present to discuss this article. Mr. Shea would like to move that the Board not support this Article. Mr. Kolenda seconded. All in Favor 4-0

h. **Article 41 (Citizen's Petition: Zoning Bylaw, RE: Senior Housing) William Poutre**

Mr. Poutre is not present. Mr. Shea has received information that Mr. Poutre plans to indefinitely postpone this article.

i. **Article 42 (Citizen's Petition: Bidding for town counsel services) –Kristine Dameri**

Ms. Dameri is present to elaborate on Article 42. Due to some errors identified in Article 42, she will indefinitely postpone the article and bring forth Articles 43 which was petitioned last week and at Special Town Counsel's advice to include in this ATM warrant since it has not been signed yet. Mr. Shea moved to add Article 43 to the ATM warrant. Ms. Phaneuf seconded. All in Favor 4-0

Ms. Dameri discussed Article 43. It is a petition article to insert language where the Town Counsel appointment process be posted and held in a public meeting. Mr. Kolenda vote not to support this article. Ms. Phaneuf seconded. All in Favor 4-0.

Mr. Brian Shifrin (79 Oak Hill Road) would like to comment on Article 18. He said there are significant projects that would add further stress to the parking. He suggested to consider adding parking on the same side or if disposal of the properties would allow some parking on the other side of the street.

Any other ATM article, at the discretion of the Board

2. **Board position on Annual Town warrant articles (Board may vote)**

Mr. Purple went through the remaining articles. The Board is in favor of supporting all the articles. 4-0

IV. Reports

1. Chairman's Report

Mr. Shea wanted to send a message out to the family and community about the young man that has been missing for a few days. He hopes for a happy ending for the Kelleher family.

2. Town Administrator Report

Mr. Purple would like to thank everyone who has been involved in the process of putting the Town Warrant together.

V. Consent Agenda

1. Approve Meeting Minutes: March 21, 2017

2. Signing of April 25, 2017 Annual Town Meeting warrant

3. Appoint John Rooney to Personnel Board's SAP Working Group

4. Nominate Jennifer A. Condon as Inspector of Animals

Mr. Shea recommended to not act on Item 3. Mr. Kolenda moved to support items 1, 2, and 4.

Ms. Phaneuf seconded. All in Favor 4-0

VI. Other Matters Properly Before the Board

1. Chapter 61A Notice: Potential Sale of 2 Chestnut Hill Road

The owner of this property is proposing to sell the house that sits on 2.5 acres of land and 1.5 acre of that land is currently under 61A protection. The seller is inquiring if the Town has any interest to exercise the Right of First Refusal. Ms. Phaneuf recommended a formal meeting with interested parties such as Conservation Commission and Open Space. Mr. Shea agreed to schedule a future Board Meeting after the ATM for further discussion.

VII. Public Comment

Timothe Litt (148 Woodland Road) would like to add comment on the discussion about preserving documents for historical purposes. He said that there is an ongoing expense for record keeping. Putting something in digital media does not last forever because the equipment used to read them becomes obsolete.

Ms. Karen Shimkus (8 Lynbrook Road) shared her opposing opinion on the decision made tonight. She is very disappointed on the massive misunderstanding of communication.

The Board adjourned their open session at 8:45pm

Roll call vote to enter into Executive Session was recorded as follows: Shae-aye; Phaneuf-aye; Kolanda-aye; Cimino-aye

VIII. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and will not be returning to Open Session per Exemption #2, to conduct contract negotiations with non-union personnel: Police Chief.

Upcoming Meetings

April 18, 2017

April 25, 2017 (Annual Town Meeting)

Submitted by Jenn Hom, Recording Secretary

List of Documents referred to at the April 3, 2017 BOS Meeting

- Annual Town Meeting Record
- Draft Warrant

- BOS Meeting Minutes dated March 21, 2017
- Nomination of Inspector of Animals
- Letter of Notice on Potential Sale of 2 Chestnut Hill Road

**BOARD OF SELECTMEN
EXECUTIVE SESSION
April 3, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -3 A 11:08
SOUTHBOROUGH, MA

Present: Brian Shea, Chairman; Bonnie Phaneuf, Dan Kolenda and Paul Cimino. Also present: Police Chief Ken Paulhus.

Mr. Shea called the meeting to order at 8:45PM.

Police Chief contract

[REDACTED]

Mr. Kolenda motion to adjourn at 8:58PM, seconded by Mr. Cimino. Motion approved 4-0-0.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.

BOARD OF SELECTMEN
APRIL 10, 2017
MEETING MINUTES
17 COMMON ST, SOUTHBOROUGH, MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
2018 DEC -6 P 12:46
SOUTHBOROUGH, MA

Present: Chairman Brian Shea, Paul Cimino, Bonnie Phaneuf, and Mark Purple, Town Administrator. Dan Kolenda joined the meeting at 8:35 p.m.

Mr. Shea called the meeting to order at 8:12PM. The purpose of the meeting was a joint meeting with Advisory Committee to discuss the Annual Town Meeting warrant and operational and capital budgets.

Under discussion of Articles 31 & 32, Mr. Shea commented about the election process suggested by the State to ban the sale of recreational marijuana in Southborough, which would take place during the 2018 fall gubernatorial election. It was still uncertain what the proper path was for communities to follow in this regard.

Under discussion of Article 25, Mr. Kolenda asked what the vote of Advisory was on establishing a statutory EDC. He was told the article was supported by an 8-1 vote. Mr. Kolenda spoke about the achievements of the current EDC as a result of the efforts of their Coordinator. He also provided Advisory with copies of publications and reports from EDC. Mr. Kolenda said that the Coordinator's efforts are worth \$0.01 on the tax rate, and asked Advisory to reconsider their vote to eliminate funding for the position in the FY18 budget. Mr. Cimino asked why the Coordinator position is required to make a compelling case for funding. Mrs. Phaneuf said that she is concerned about the support for other new positions versus the lack of support for the existing, part-time Coordinator position.

Advisory voted 6-3-0 to reconsider their vote on the EDC budget. Advisory voted 5-4-0 to support the lower budget number, eliminating the Coordinator position.

Under discussion of the operating and capital budget, Mr. Kolenda noted that ZBA and Police were the priorities for adding new positions, and that DPW was close behind. He also advocated again for the Coordinator position in the EDC budget. After much discussion, the following changes to the FY18 operational and capital budgets were proposed:

- Restoration of the Coordinator position in the EDC budget;
- Additional \$3,000 for Youth and Family Services;
- Defer the purchase of one Police cruiser; purchase one Police cruiser out of the Ambulance Fund;
- Delay the hiring of the three new positions for 90 days. After some discussion, it was determined that only the Police and DPW positions would be delayed, the ZBA position would be hired as of July 1;
- Digital preservation funds would be deferred;
- Purchase of a new sidewalk plow for DPW would be deferred;
- More indirect costs would be charged to the Water account for DPW activities;
- \$25,000 out of Recreation Fund to support DPW budget;
- \$15,000 delay for Town Clerk Stipend increase.

Mr. Kolenda made a motion to support these proposed changes to the FY18 budgets, seconded by Mrs. Phaneuf. Motion was approved 3-0-0 (Mr. Cimino was not present for the vote).

The meeting adjourned at 10:30 p.m.

Submitted by Mark Purple, Town Administrator

Documents used during the meeting:

- FY18 Draft operational and capital budget
- Draft Annual Town Meeting warrant

BOARD OF SELECTMEN
APRIL 18, 2017
MEETING MINUTES
MCAULIFFE HEARING ROOM
17 COMMON ST, SOUTHBOROUGH, MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
2018 DEC -6 P 12:46
SOUTHBOROUGH, MA

Present: Chairman Brian Shea, Paul Cimino, Dan Kolenda, Town Moderator Steve Morreale, Mark Purple, Town Administrator, Aldo Cipriano, Town Counsel.

Mr. Shea called the meeting to order at 6:00pm.

6:00 P.M.: PRE-TOWN MEETING WITH TOWN MODERATOR

Dr. Morreale reviewed the general rules and procedures for town meeting and then proceeded to review all warrant articles, ask questions on anticipated presentations, and answer inquiries from committee members and other residents who were present.

Handouts:

- Mr. Stivers will have a handout relative to citizen petition articles from the Special Town Meeting as well as a brief presentation
- Mr. Litt will have a handout for the Municipal Technology Committee
- Town Meeting Review Committee will also have a handout
- BOS handout on Art 8 and 9

Other announcements pertaining to town meeting included:

- Hope to allow department heads back into the main hall since the crowd anticipated for this meeting will not exceed seating capacity
- There should be a reminder on the website that the last three articles on the special town meeting will be taken up on the first night of the annual town meeting
- Citations and awards: Peggy Tuttle award will be presented by the Library Director
- Reports: Library Trustees, Town Meeting Review Committee
- Motions will be on the large screen
- Art 23 is a BOS article; Mr. Litt prefers to make a presentation. Mr. Kolenda feels it is not necessary unless questions arise.
- Articles 31-33 [combine for discussion] as well as a presentation
- Art 42 will be postponed
- Same format for electronic check-in using their drivers license if there is no complaint
- Handouts will be outside the building under a covered area
- There will be two ushers to direct people to seats
- For those that registered after March 8, they cannot vote on the articles from the Special Town Meeting. Different color cards will be used for voting purposes.
- The Town Clerk will ask the hall to give the Moderator authority to declare a 2/3 majority [Town Counsel will review this before the meeting commences]
- Amendments should be sent into a MS Word format to the Town Clerk; if it happens on the floor it can be done with an amendment form.
- Planning Bd: if articles 31 and 32 pass, 33 will be postponed.

The Moderator asked if a "consent agenda" can be created for the administrative articles at the start of the meeting. Town Counsel said this was not advisable.

The Moderator will start the meeting and get through the first few articles and then recess to finish the Special Town Meeting to handle articles 6-8.

Annual Town Meeting articles:

- The moderator discussed which selectman would move each article
- The audience was asked to send all presentations to Ms Hale, Assistant Town Administrator by the end of the day Friday

At 6:55 pm the Board moved into the regular portion of their meeting.

Mr. Shea noted that St. Mark's will have an extended period until June 30 to complete any environmental analysis that is to occur. The Town will do a Phase 1 analysis; the Board voted to approve this mutual extension.

Consent Agenda-The Board voted unanimously to approve items 1-6. Mr. Kolenda commended the individuals appointed tonight for putting their names forward to volunteer for the town.

1. Approve Meeting Minutes: April 3, 2017
2. Appoint William Joseph Estrada to ADA Committee, term 6/30/17
3. Appoint Megan E. Belliveau to Southborough Housing Opportunity Partnership Committee, term 6/30/19
4. Appoint Marguerite Landry to Youth Commission, term 6/30/19
5. Appoint Kathryn Craddock McKee to Southborough Stewardship Committee, term 6/30/17
6. Appoint Kathryn Craddock McKee to Southborough Trails Committee, term 6/30/17

Contract approval: The Board voted 3-0 to approve a new three-year contract for Chief Paulhus.

One Day liquor license: The Board reviewed a request for a waiver for a \$1,000,000 liquor liability policy as well as grant permission to allow alcohol in a town building for an April 29th event the Historical Society wishes to hold at Flagg School. The matter was tabled for the April 25 meeting prior to the town meeting. The Board referenced a town policy that no alcohol shall be served in a town building. They will invite a representative to attend and answer questions.

Special Town Election: Due to the recent resignation of John Rooney, whose term expires in May of 2019, the Board reviewed their options. Mr. Shea supports calling for a special election in mid to late September. Mr. Kolenda feels mid September may be too aggressive for those wishing to run for office. Mr. Stein from the Planning Board advocated for setting the date soon so the recreational marijuana referendum question could also be done on the same date, which requires ratification of the Attorney General [following the annual town meeting]. Mr. Shea will meet with the Town Clerk and request a Fall election that can be confirmed at the April 25th meeting, but prefers October 17.

Open Meeting Law violation: Attorney Brackett has filed an open meeting law complaint against [former Selectman] Mr. Rooney; regulations require a 14 day timeline to inform the state of remedial action taken. It was noted the alleged violation took place 15 months prior.

Mr. Shea reviewed emails and found them administrative in nature on schedules, and saw no violation. The Board asked Town Counsel to prepare a response to the state outlining that the alleged violation was administrative in nature. Atty. Cipriano felt the emails were for informational purposes only. He also indicated the response from State Ethics said Mr. Rooney was unable to participate in Park Central topics. He made it clear he would submit the recusal in open session and answer questions relative. Town Counsel said the board routinely schedules trainings in due course. Attorney Brackett wished to speak, was refused, and told the Board he would be filing a complaint to the Open Meeting Division.

9-11 field: Mr. Hegarty asked for an update on when the field would be available after the turf has been replaced. Atty. Cipriano informed the board that the lease is nearly complete, pending response on an insurance coverage issue. He anticipates the form and content of the lease has been settled and he awaits official response from the Commonwealth. The Recreation Commission will need to determine whether their revolving fund can be used for engineering design. Ms. Galligan discussed the procurement process and preliminary construction timelines for completion of the new turf field.

Public Comment: Mrs. Shimkus said article 25 was not listed on the meeting agenda for a previous meeting when town meeting articles were being discussed. She complained that in the interest of transparency and whether you feel you [the BOS] have an expectation a matter may be coming up, the public has the right to know what will be discussed. Mr. Shea said it was appropriately posted.

She also spoke on the lack of allowing opposing opinion at town meetings. She was informed that the Moderator controls the town meeting and asked that she refer her comments to the Town Moderator.

Documents referenced during meeting:

- Annual and Special town meeting warrant
- Draft motions for annual town meeting

The meeting adjourned at 7:55 p.m.

Submitted by Vanessa Hale, Assistant Town Administrator

Documents reviewed during the meeting:

- Annual Town Meeting warrant
- Motions for Annual Town Meeting
- Meeting Minutes: April 3, 2017
- Committee applications/memos: William Joseph Estrada, Megan E. Belliveau, Marguerite Landry, Kathryn Craddock McKee
- Police Chief employment agreement
- Wine and Malt license/memo
- Open Meeting Law Complaint documentation

BOARD OF SELECTMEN
APRIL 25, 2017
MEETING MINUTES
17 COMMON ST SOUTHBOROUGH, MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
2018 DEC -6 P 12:46
SOUTHBOROUGH, MA

Present: Chairman Brian Shea, Paul Cimino, Dan Kolenda, Bonnie Phaneuf, and Mark Purple, Town Administrator. Town Counsel Aldo Cipriano was also present.

Mr. Shea called the meeting to order at 6:00PM.

Request for One-Day license – Michael Weishan from the Southborough Historical Society presented his request for a one-day wine & malt license for their event on April 29. Mr. Weishan was seeking approval for multiple events. Mr. Cipriano noted that it had been a long-standing policy not to serve alcohol in Town buildings. Mr. Weishan said that he will get the required annual insurance rider, and add the Town as additional insured. After some discussion, Mr. Kolenda made a motion to approve the one-day license for April 29 as requested, subject to Mr. Weishan providing the required TIPS certification for servers and insurance coverage, seconded by Mr. Cimino. Motion was approved, 2-0-2 (Mr. Shea and Mrs. Phaneuf abstained).

David Parry spoke briefly on Article 24 (disposal of Fayville Hall), which the Board is sponsoring and supporting.

Mr. Kolenda made a motion to approve the sole Consent Agenda item (approving the request to increase the spending limit for the Recreation revolving fund for FY17), seconded by Mr. Cimino. Motion was approved, 4-0-0.

John Rooney correspondence – Mr. Purple presented the letter from Mr. Rooney seeking reimbursement for legal expenses incurred as a result of defending himself against an ethics complaint. Mr. Cipriano offered his thoughts, including that guidance from the AG's Office prohibiting the Town from paying such a request. Mr. Cimino made a motion to table the issue until the Board's May 2 meeting, seconded by Mr. Shea. Motion was approved 2-1 (Kolenda)-1 (Phaneuf).

Special election to fill Selectman vacancy – Mr. Purple presented the issue, which was the result of Mr. Rooney stepping down mid-term. The Board did not feel that the position needed to be filled over the summer, and the special election could wait until fall. Mr. Purple said that after speaking with the Moderator and Town Clerk, the date of November 7 would work best for all. Mr. Kolenda made a motion to set the Special Election for November 7, 2017, seconded by Mr. Shea. Motion to approve was unanimous, 4-0-0.

The Board adjourned to Town Meeting at 6:55PM.

Submitted by Mark Purple, Town Administrator

Documents used during the meeting:

- Wine and Malt one-day license application from Southborough Historical Society
- April 20, 2017 memo from Doreen Ferguson, RE: Revolving Fund limit increase



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2017 JUN 27 A 11:45
SOUTHBOROUGH, MA

Meeting Date: Tuesday, May 2, 2017, 6:30pm

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, Paul Cimino, Town Administrator, Mark Purple

Absent:

I. Mr. Shea called meeting to order at 6:30pm

II. Scheduled Appointments

1. 6:30 pm HEARING: Petition for Joint Pole Location: Verizon NE Inc. and Massachusetts Electric Co. (NGRID)

Ms. Erin Mitchell, Representative for Verizon, briefed on a petition submitted by Verizon for a joint pole location on Oregon Road and Edgewood Road. Purpose of the new pole is to update electricity and Verizon information and also to anchor the pole across the street. Mr. Kolenda made a motion to close the hearing. Mr. Cimino seconded. All in Favor 4-0. Mr. Cimino made a motion to approve the request. Mr. Cimino seconded. All in Favor 4-0

2. 8:00 pm – Updates from Senator Eldridge and State Representative Dykema

Senator Eldridge and Representative Dykema provided their annual budget update. He went over the list of budget priorities. Ms. Dykema said that the House passed the budget last week and she provided a recap of the House Budget and what the Southborough community can expect as a result of that budget. The Board thanked the Senator Eldridge and Rep Dykema for their proactive advocacy representing the Town of Southborough.

3. Jason Malinowski, Chair, Public Safety Study Committee, RE: Project update

Mr. Malinowski would like to take this opportunity to remind voters of an important vote that is coming up on Tuesday, May 9th. At the last Special Town Meeting, 91% of the voters approved a new construction of the Public Safety Facility on the land acquisition in exchange for the current Police and Fire Station. One of the condition directed to the Town Clerk was to put a question on the ballot regarding the debt exclusion. The Public Safety Study Committee feels it is their responsibility to continue to educate and remind voters that an approval is still needed to move this project forward. He asked the Board to help continue to spread the importance of a "yes" vote on May 9th. Should the ballot be successful, Mr. Malinowski also urged the Board to move forward with an outline of a guidance with the selection of the Building Committee members as soon as possible. Mr. Purple said that there is a draft Charge for the Building committee which will be on the agenda for May 16th, should the vote pass on May 9th. Positions will be then advertised for the Building Committee and the Board can approve the Charge and create the setup of the committee with specific tasks assigned. Mrs. Phaneuf encouraged the Board to share the draft version of the Charge with the Public Safety Committee before the next meeting. Mrs. Phaneuf suggested to start advertising for interested parties to serve on a committee if the ballot question should pass.

4. Chapter 61A Right of First Refusal request for 2 Chestnut Hill Road

Mr. Purple summarized a letter from Goulston & Storrs, representing the owners of 2 Chestnut Hill Road, to seek from the Board a consideration to waive a right of first refusal with regards to the sale of the house and if some additional land could be added to the property so the house can have 2.5 acres being sold with it. The land being taken is currently in Chapter 61A. Open Space and Conservation have reviewed this request and do not see any reason not to waive the right of first refusal. However, they would like assurance from Town Counsel that by waiving right of first refusal for the smaller parcel does not waive the right of refusal for the larger parcel. Mr. Cipriano reviewed the packet that he recently received. Due to the unique nature of this request, he would like additional time to speak with the owner's Counsel. This particular parcel was put into a conservation restriction therefore this request is outside of the statutory procedure. The Board agreed to allow Mr. Cipriano additional time.

5. Update on IMA with Town of Ashland, RE: Indirect connection to MWRA water

Mr. Shea recused himself and Ms. Phaneuf will chair this discussion regarding IMA with Town of Ashland. Town Counsel and DPW Superintendent Ms. Galligan provided an overview of the document. Town Counsel is still working on the language for the agreement and will be put on a future agenda.

III. Reports

1. Chairman's Report

Mr. Hegarty provided three optional dates for the Special Election. The preference of the Board is to have the election on a Tuesday. The Board reaffirmed Tuesday, November 7 as the date for the Special Election to fill the vacant seat of Selectmen Rooney. Mr. Shea mentioned the Library will host a candidates' night on Thursday, May 4 and encouraged all voters to attend or watch the video to learn about the candidates before May 9th Town Election.

2. Town Administrator Report

None

IV. Consent Agenda

1. Accept Amanda Martinot resignation from the Historical Commission
 2. Accept resignation from Janelle Rooney from the Southborough Stewardship Committee
 3. Accept \$500.00 donation from CWMARS to be allocated to the Library Donation account
- Ms. Phaneuf made a motion to accept items 1 and 3. Mr. Cimino seconded. All in favor 4-0
Mr. Kolenda regretfully made a motion to accept item 2. Mr. Cimino seconded. All in Favor 4-0

V. Other Matters Properly Before the Board

1. Consideration of Disclosure under MGL c.268A, s.19 by Deborah DeMuria, ZBA Alternate Member (Board may vote)

Ms. Phaneuf recused from this discussion and left the room.

Ms. Demuria received a letter from the proponent's attorney indicated that her dwelling and previous participated actions regarding the Park Central Project may be of conflict if she continues to be an alternate Zoning Board Member. Ms. Demuria sought out advice from Town Counsel and he recommended that she speak with the Attorney of the Day where she was advised to submit a Section 19 Disclosure instead of a 23B Disclosure and present to this

Board for a decision. Ms. Demuria stated that she has no financial conflict nor is she an abutter to the proposed development and that she can serve impartially and can act fairly and apply the law fairly on the Park Central matter. Mr. Kolenda asked who would serve as an alternate member if Ms. Demuria was to recuse herself. Mr. Shea said that Mr. Walker would be the next alternate member to serve. Mr. Cipriano said that he would not be up to speed because he missed one of the comprehensive hearings. Mr. Cipriano's observation of Ms. Demuria concluded that he sees no prejudice or partiality that will affect the integrity of the service that she performs. Mr. Cimino made the first motion that the Board endorse the disclosure in accordance with a determination on the last page that the financial interest is not so substantial that it is to be deemed likely to affect the integrity of the services which the municipality may expect from Ms. Demuria. Mr. Shea seconded. All in Favor 3-0. Mr. Cimino made a motion for the Board to communicate with the Chair of the ZBA that this Board request that he watch the video of this meeting and consider carefully whether the entire process would benefit from Mr. Walker's appointment versus Ms. Demuria's and publicly explain it. Mr. Shea seconded. All in Favor 3-0. Mr. Shea will have a conversation with the ZBA Chair.

2. Correspondence from John Rooney, RE: Services rendered in response to Ethics Complaint (tabled from April 25)

Ms. Phaneuf recused herself from this discussion and left the room

This is a follow up discussion from the last meeting regarding correspondence from Mr. John Rooney on services rendered. Mr. Cipriano's determination is that public funds cannot be used for this purpose. Mr. Cimino appreciates the advice from Town Counsel but he suggested to approve the request for reimbursement for Mr. Rooney. Mr. Rooney also directed the actual dollars to be split between two town departments. Mr. Kolenda would like Town Counsel to continue to review all available legal options to be able to reimburse former Selectman Rooney for costs incurred. He would also like to see a meeting take place with Town Counsel, Mr. Purple, Mr. Rooney and a member of this Board to come to an amicable resolution to this case. Mr. Shea agreed with the course of action outlined by Mr. Kolenda to arrange a meeting and explore ways for an amicable settlement.

VI. Public Comment None

Meeting adjourned at 9:06pm

Upcoming Meetings

May 16, 2017

June 6, 2017

Submitted by Jenn Hom, Recording Secretary

List of Documents referred to at the May 2, 2017 BOS Meeting

- Letter dated March 24, 2017 from Goulston & Storrs
- Letter dated April 27, 2017 from Ms. Lisa Braccio, Open Space Preservation Commission

- Memo from Beth Rosenblum, Conservation Agent dated April 25, 2017
- Memo dated April 28, 2017 regarding IMA with Ashland for indirect water connection to MWRA
- Resignation letter dated April 19, 2017 from Amanda Martinot
- Resignation letter dated April 4, 2017 from Janelle Rooney
- Memo dated April 24, 2017 from Ryan Donovan, Library Director
- Chapter 268A, Section 19 Disclosure Form from Debra DeMuria
- Letter dated December 14, 2016 from Attorney Catanzaro
- Letter dated April 13, 2017 from Mr. John Rooney
- Letter dated April 25, 2017 from Town Counsel Cipriano
- Public Hearing Notice dated March 28, 2017 from Verizon
- Letter dated May 2, 2017 from Senator Eldridge



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2017 JUN 27 A 11:45

Meeting Date: Tuesday, May 16, 2017, 6:30pm

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Chairman Brian Shea, Bonnie Phaneuf, Lisa Braccio, Town Administrator, Mark Purple

Absent: Daniel Kolenda

I. Mr. Shea called meeting to order at 6:30pm

II. Scheduled Appointments

1. Joint meeting with Southborough Housing Authority RE: DHCD Tenant Election Regulations.
Marianna Surette's position for re-election was not on this year's ballot due to a recent state law that the fourth elected member must be elected by tenants. However, the state has not yet defined the process or regulations. The Secretary of State's office recently clarified that any position due to expire this year shall remain on the Board until the tenant member election process is established. A motion to affirmatively state that Ms. Surette continue until the tenant election recommendations are received by the Secretary of State's office was seconded and voted all in favor, 3-0-0. Ms. Phaneuf clarified that her vote was with the condition Ms. Surette continue as the representative for Southborough Housing Opportunity Partnership Committee.
2. 7:00 PM - HEARING: Hola! New liquor license application
Town Administrator Mark Purple read the notice of the hearing. Manager applicant, Roberto Leon was present. They are proposing a 50-seat family Mexican restaurant with a bar; the goal is to open in early July. Mr. Leon has previous experience and operates similar, successful restaurants in Braintree, Warwick, Smithfield and Providence (RI). Ms. Phaneuf questioned the proposed occupancy of 77, with only 50 seats; Mr. Leon said the occupancy includes employees.

Ms. Phaneuf's motion to close the hearing was seconded and voted all in favor.

Ms. Phaneuf motioned to approve the Restaurant/All Alcohol Beverages license application for 150 Southborough, LLC, d/b/a Hola! , with hours of operation as submitted (Sun. 11a-9p, M-Th 11a-10p, Fr-Sat 11a-11p); Ms. Braccio seconded, voted all in favor (3-0-0).

III. Reports

1. Chairman's Report

Mr. Shea noted that the re-organization of the Board, which is normally done at the first meeting after election, will wait until Mr. Kolenda is present at the June 6th meeting.

2. Town Administrator Report

- FY18 Staff Appointments list was presented to Board for review and consideration at their next meeting.
- MA DEP notice: Southborough Water Department has been awarded the 2016 Outstanding Performance and Achievement Award for Public Drinking Water.
- The Board was asked to accept PILOT payments as follows:
 - Fay School, \$10K
 - St. Mark's School, \$45K

- NE Center for Children, \$52,036 (consent agenda item).
- Motion to accept was seconded and voted all in favor.

IV. Consent Agenda

1. Approve Meeting Minutes: May 2, 2017
2. Reappoint John Wilson as Veteran's Agent, term through 4/30/18
3. Approve petition to Legislature for Special Act, RE: Public Safety project
4. Accept New England Center for Children PILOT payment of \$52,036.00
5. Award and sign short term notes for Treasurer
6. Approve MassDOT Contract for Chapter 90 Reimbursement
7. Accept resignation of Lisa Braccio from Open Space Preservation Commission, Open Space Design Bylaw Subcommittee, and Deed Research Subcommittee.
8. Appoint Lisa Braccio to Affordable Housing Trust Fund Committee

Item #4 was voted in Town Administrator's report. Ms. Phaneuf motioned to approve items 1, 2, 3, 6, 7, 8; Mr. Shea seconded, voted all in favor (3-0-0).

Finance Director Brian Ballantine was present to speak to consent agenda item #5. The bond renewal is due May 2018. At that time we may initiate a bond sale into permanent debt (\$2,240,000). Ms. Phaneuf motioned to approve and sign; seconded and voted all in favor (3-0-0).

V. Other Matters Properly Before the Board

1. Public Meeting Decorum

Mr. Shea reviewed the Board's recent policy. In light of behavior at a recent Public Works Planning Board meeting, he would like the policy distributed to all Board/Committee chairs and department heads, to remind attendees to remain respectful. Audience member Desiree Aselbekian (Woodland Road) said that public meeting behavior has taken a substantial turn for the worse in recent years, and agrees with the meeting decorum policy. However, she noted that not all elected boards are under the Selectmen's charge, and they can only request boards to adopt the policy. She recommended instead that the Board enact a decorum policy to be effective in any Town Building where a public meeting is held, regardless of who is holding the public meeting. She is unsure of the legality, but if it can be done she urges the Board to do so as soon as possible.

Brian Shea motioned to follow suggested action of Ms. Aselbekian; seconded and voted all in favor, 3-0-0.

2. Draft Charge for Public Safety Building Committee

Bonnie Phaneuf doesn't feel the Selectmen should be represented, to avoid potential conflict. Also suggest Town Administrator is ex-officio rep, as well as Advisory Board member as ex-officio only. Ms. Braccio agrees and would also prefer a large group of representation, some with construction experience.

John Rooney (Edgewood Road) said the charge as written needs to be refined, and should be inclusive of the golf course. The Board needs to follow through with assurances and commitments that were made to the residents regarding the golf course. Other residents in attendance agreed, noting that the golf course design should also be included in the Request for Proposals for the project.

Jason Malinowski (Chair, Public Safety Study Committee) clarified that the only appropriated funds at Town Meeting were for the land purchase and construction of the building, not golf course reconstruction.

Brian Shea agreed that estimated costs did not include the golf course. Perhaps it should be included in the committee charge to combine the efforts. Mr. Purple suggested including Golf Committee representation.

Approval of Committee charge continued to June 6th meeting. Deadline for accepting volunteer applications also extended one week, to May 26th.

The Board directed the Town Administrator to proceed with Request for Proposal for an Owner's Project Manager.

VI. Public Comment

Timothe Litt wanted to thank IT Manager Tom Laflamme for his work in making updates from the Town website available. It's been helpful for residents.

Meeting adjourned at 7:40pm

Upcoming Meetings

June 6, 2017

June 13, 2017

Submitted by Lori Esposito, Executive Assistant, Recorder Pro Tempore

List of Documents referred to at the May 16, 2017 BOS Meeting

- "Housing Authority Election Guidance" to all Town Clerks from MA Elections Division
- Public Housing Notice dated March 28, 2017 from DHCD
- ABCC Application for Retail Alcoholic Beverages License for Hola! Restaurant
- List of proposed FY18 staff reappointments from Mark Purple
- Draft meeting minutes from May 2, 2017 Selectmen's Meeting
- Draft letter to Rep. Carolyn Dykema re: March Special Town Meeting article
- NE Center for Children cover letter for PILOT payment
- Memo from Brian Ballantine, Finance Director re: Short Term Note Renewal
- MASS DOT Standard Contract Form
- Draft Public Safety Complex Building Committee Charge
- Resignation Letters (3) from Lisa Braccio
- Emails re: interested volunteers for Public Safety Building Committee
- Volunteer form for Satyendra Sharma



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2017 JUL 21 A 10:29

SOUTHBOROUGH, MA

Meeting Date: Tuesday, June 6, 2017, 6:30 pm

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Chairman Brian Shea, Bonnie Phaneuf, Dan Kolenda, Lisa Braccio

Town Administrator, Mark Purple

Absent:

I. Called Meeting to Order at 6:30 pm

II. Reorganization of the Board

Mr. Shea requested to reorganize the Board due to the recent election. He would like to nominate Mr. Kolenda as Chair. Mrs. Phaneuf seconded. All in Favor 4-0. Mr. Kolenda recommended Mr. Shea as Vice-Chair. Mrs. Phaneuf seconded. All in Favor 4-0.

III. Scheduled Appointments

1. Charge for Public Safety Building Committee (Board may vote)

Mr. Kolenda moved the Board to approve the consolidated version as provided in the packet. Mr. Shea seconded it for discussion. Mrs. Phaneuf suggested a couple of changes in the consolidated version. Ms. Braccio stated that it is important to have wording in the charge that the golf course remain open as much as possible during construction is a priority as this was an item that was voted on at Town Meeting. Mr. Kolenda moved that the Board accept the edited version of the charge, as noted by Mr. Purple, with an up to 9 committee member, and ex-officios' to include the Town Administrator, Police Chief, Fire Chief, and a member of Advisory. Mr. Shea seconded. All in favor 4-0

Janet Maney, 21 Skylar Drive, speaking for Advisory. She would like to make a plea for the Advisory member to have a vote and to be a voting member of the committee. Ms. Kathy Cook, Advisory member, has a lot of contract experience and has expressed interest to be a member on the Public Safety Building Committee, however, Ms. Maney added that if a member of Advisory is on another committee they cannot vote when that subject matter comes up to Advisory. Mr. Kolenda asked Mr. Purple to check into the bylaws and report back at the next meeting.

Dick Cruciani, 4 Ted Lane also a member of the Golf Course Group. He looks forward to a good working relationship with the Public Safety Building Committee. Golf Course Group will be flexible but is concerned about the maintenance of the course. Currently, New England Golf who is maintaining the course will need a commitment by this fall or they will pull out and there will no one to maintain it which may cost more money to rehabilitate what gets lost. It is not important that the course stay open the entire time but need to think about the upkeep of it.

Freddie Gillespie, Chair of Open Space Commission. She submitted a letter on behalf of the Commission. The letter did not make into the packet for this evenings meeting. The letter included a recommendation for the golf course to remain open during construction otherwise it will be a costly task to regain the membership and find an entity to refurbish the greens. There is also a risk of losing golf operations. She request the letter be part of the record.

2. Interviews for Public Safety Building Committee
 - a. Thomas Collins, 5 Skylar Drive, was not able to attend.
 - b. Sam Stivers, 7 Presidential Drive, He stated that he has significant project experience and strong financial management experience. He also mentioned that, subsequent to his application, Kathy Cook also stepped up. If in fact, Ms. Cook is available and appointed, he is prepared to step back and withdraw his name. If Ms. Cook decides not to go forward with her application or the Board choose not to appoint her, he would like to remain in the running.
 - c. Larry Vagnini, 32 Latisquama Road. He has been in the construction and architect business for 22 years. He would like to be considered because of his background and interest.
3. Appointments to Public Safety Building Committee (Board may vote)

Mr. Kolenda moved that the Board appoint the previous six Public Safety Study Committee members that would like to stay on; Jason Malinowski, John Lyons, Brennan Barry, Michael Moorehead, John Wood, Peter Goodney. Mr. Shea seconded. All in Favor 4-0. Mr. Kolenda made a motion to the Board to appoint Mr. John Rooney as the 7th member of the committee. Mr. Shea seconded. All in Favor 4-0. Mrs. Phaneuf made a motion to appoint Mr. Larry Vagnini as the 8th member of the committee. Mr. Shea seconded. All in Favor 4-0. Board closed at 8 members and held for further discussion with Advisory.

IV. Reports

1. Chairman's Report None
2. Town Administrator Report
 - a. FY 2018 Board and Committee Appointments

Mr. Purple included in the packet the Board and Committee reappointment list. It is a list of the Board and Committees that the Board of Selectmen appointed. Ms. Esposito will contact members of the committee to see if they will continue to serve. Mrs. Phaneuf suggest to restore the Pilot Committee and invite 2 Advisory members to be part of the committee.
 - b. Update on OPM RFP process for Public Safety Facility

The RFP of the RFQ for the owner's project manager was advertised on May 31st and also in the Metrowest Daily News on Friday, June 2nd and also posted on the State's procurement website. Any inquiries relative to the RFP are due in to Mr. Purple by 10am on June 15. Anything that requires a response will go out to the bidders by June 20. Proposals are due in by 10am on June 28.
 - c. Board retreat/goal setting session

Main Street and Public Safety Complex were 2 goals that are now in the process of following through to its completion. Ms. Hale is currently working on a venue for the Board to get together and re-evaluate the next steps and set new goals.

V. Consent Agenda

1. Approve FY 2018 Annual Staff Appointments
2. Approve New Permit with DCR for 9/11 Field
3. Approve Dates for June-December 2017 Meeting Schedule
4. Approve Lisa Braccio as Selectmen's representative to the SAP Working Group

Mr. Kolenda moved to approve items 1, 2 and 4. Mrs. Phaneuf seconded. All in favor 4-0. Mr. Purple provided a list of BOS 2017 Meeting dates for the remainder of the year. The Board has agreed to change the next meeting to Wednesday, June 14. Mr. Shea noted that Tuesday, November 7 is the Special Election Day. The Meeting date will be moved to Wednesday, November 8. Mr. Kolenda moved to approved item 3. Mr. Shea seconded. All in favor 4-0.

VI. Other Matters Properly Before the Board

1. CPC Meeting Update & Golf Course Conservation Restriction

Ms. Braccio provided update on a CPC Meeting that she attended to inquire about any CPC funding opportunities for the golf course project. There were some opportunities that would run parallel with the conservation restriction. CPC would not want to issue funds or start a process on issuing funds without knowing the viability of the golf course going forward. Ms. Gillespie elaborated on the rules, procedures and requirements for CPC funding opportunities.

2. Southborough Little League naming recommendation for Majors Field at Finn

Mr. Rosenstein and Mr. Secrist are present to request the Board to consider naming the Majors Baseball Field after Eric Green. He was a young man who played baseball in the Little League program whom exhibited good sportsmanship, and respect for the game and his teammates. Mr. Kolenda made a motion to approve the naming recommendation for Majors Field to the Eric Green Memorial Field. Mr. Shea seconded. All in Favor 4-0. Mr. Rosenstein invited the Board to attend the field dedication ceremony on the afternoon of June 11.

VII. Public Comment

Deb Demuria , 58 Flagg road, mentioned the updates that Caroline Dykema and Jamie Eldridge provided a couple of months ago on the Route 9 and 495 interchange project. She asked that the public be informed of any meetings that will be held concerning this project. She also pointed out that the Master Plan is from 2008 and if there are plans for the Planning Board to update the master plan.

The Board adjourned their open session at 8:41pm

Roll call vote to enter into Executive Session was recorded as follows: Kolenda-aye; Shea-aye; Phaneuf-aye; Braccio-aye

VIII. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, Exemption #3, to discuss a Step 3 grievance filed by the DPW Union, as the Chair has determined that having the discussion in open session may be detrimental to the public's bargaining, the Board will not be returning to open session at the conclusion of the Executive Session.

UPCOMING MEETINGS

June 13, 2017

July 18, 2017

Submitted by Jenn Hom, Recording Secretary

List of Documents referred to at the May 2, 2017 BOS Meeting

1. Memo on Public Safety Building Committee from Mr. Purple dated May 30, 2017
2. Consolidated Version Public Safety Building Committee Charge
3. Draft Version Public Safety Public Building Committee Charge
4. Town Volunteer Form – Larry Vagnini
5. Memo from Sam Stivers dated May, 16, 2017
6. Citizen Activity Form from Thomas Collins
7. Memo on Public Safety Building Committee applicants dated May 31, 2017
8. List of Committee appointments
9. Lease for 9/11 Memorial Field
10. Memo on Meeting dates from Mr. Purple dated May 30, 2017
11. Memo on Naming of Majors Field for Eric Green from Paul Secrist dated May 30, 2017

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -31 A 11:08
SOUTHBOROUGH, MA

**BOARD OF SELECTMEN
EXECUTIVE SESSION
June 6, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

Present: Dan Kolenda, Chairman; Bonnie Phaneuf, Brian Shea, and Lisa Braccio. Also present: Mark Purple, Town Administrator, and Karen Galligan, DPW Superintendent.

The Board entered Executive Session by unanimous roll call vote (4-0-0) at 8:41PM.

Step 3 Grievance from DPW Employee

[REDACTED]

The Board voted unanimously by roll call vote (4-0-0) to end Executive Session and adjourn at 9:00PM.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2017 JUL 21 A 10:28

SOUTHBOROUGH, MA

Meeting Date: Wednesday, June 14, 2017, 6:30pm
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Chairman Daniel Kolenda, Brian Shea, Bonnie Phaneuf, Lisa Braccio, Mark Purple, Town Administrator
Absent:

I. Mr. Kolenda called meeting to order at 6:30pm

II. Scheduled Appointments

1. Chief Paulhus RE: Firearms Home Safety Class

Chief Paulhus and Sgt. Slatkovitz were present to request permission to host a 4-hour Home Firearms Safety Class, to be taught by Sgt. Slatkovitz and assisted by Mr. Russ Millholland, who are both certified instructors. No live ammunition will be used, only dummy ammunition. The course will be held offsite, possibly at the Senior Center. It is a required course to obtain a gun license. A sample course registration sheet and liability waiver were presented. The Board was in agreement for the Police Department to host the course.

Dan Kolenda also thanked them and the entire police department for their service to the Town. Lisa Braccio also commended them for the recent Citizens' Police Academy that was held; she's heard very positive feedback from residents.

2. Aldo Cipriano, Town Counsel RE: Update on CR process for St. Mark's

McGregor and Legere, an Environmental Law Firm, is assisting with getting a finalized Conservation Restriction ('CR'). A first draft was presented, and feedback from the Board as well as Town Boards and Committees is being solicited via written feedback. At the very least, Con Comm, OSPC and Recreation Commission should review and provide comments.

The Executive Office of Energy and Environmental Affairs ('EOEEA') confirmed that the CR cannot be held solely by the Conservation Commission, but could possibly be held in conjunction with a land foundation. (The golf course is not considered passive recreation, it is active recreation and needs to stay within limits.) Attorney Cipriano will advocate to ensure an active golf course remains, as was voted at Town meeting. Historically, golf courses on town-owned land have been approved. However, the registry needs a detailed survey plan, not a sketch plan, of the 55 (of 60) acres to be placed in CR. He does not have a cost estimate yet, as this is the first he's presenting this requirement to the Board.

Mr. Kolenda asked about a deadline for comments on the draft CR. Attorney Cipriano said there's not a big rush, as he would like thoughtful review and comments. Some discussion about feedback from residents should be considered, but only via submission through the appropriate board (e.g., Con Comm, OSPC, etc.). The draft document will be posted on the website, with comments due by July 10th

Frederica Gillespie (OSPC Chair) was present and thanked Town Counsel for his work providing a timely CR draft. She would like to publicize an OSPC meeting to invite public input, possibly public forum style, and televised. Ms. Gillespie was informed by MA Audubon Society that the

City of Newton received approval for an operating golf course; we should be able to do the same.

Ms. Gillespie said that at a recent Community Preservation Committee meeting, a discussion was held about the CR needing to be done in tandem with the building design, as well as the golf course. A CR cannot be done without knowing the location of the building, and likewise the location of the golf course. She reminded that applications for CPA funding are due to CPC by September 1st. Regarding funding, since the CR is on land not purchased by CPA, it's a bit different. She came up with a possible solution, and was asked to run it by Town Counsel.

Regarding the Con Comm holding the land in conjunction with a land trust, Ms. Gillespie warned of trusts typically requiring an endowment. Being responsible in perpetuity for the land, as well as having legal responsibilities to enforce can be costly.

Timothe Litt (148 Woodland Road) said we need to be careful of not doing the CR too soon; once the CR is in place, some things may be more difficult to do, such as landscaping, etc. If there is an opportunity, we may want to delay until details are better known.

3. Karen Galligan, DPW Superintendent RE: FY2018 Transfer Station Rules and Regulations
A draft of Rules and Regulations was presented; proposed changes included updating the violation fine to \$250 for all violations, and the mail-in address changed to City Hall Systems. Bonnie Phaneuf suggested "No Smoking" be added to the rules and regulations; it is there but Ms. Galligan will make more visible.

Mr. Kolenda asked if having a police detail officer present in the past helped to enforce the rules. Ms. Galligan said it was helpful to be sure stickers were valid, etc., but now the camera system is updated and functioning, so it assists with enforcement as well as less fines being appealed. The fines are sent along with a photo of the violation; they are issuing more fines and collecting more fines.

Ms. Phaneuf said there is no mention of time limit for a temporary pass. Ms. Galligan explained that for the most part, not more than two weeks is allowed. When DPW issued the passes, a deadline was noted on the sticker, and it was typically for a week; she is unsure how it is being handled now out of the Town Clerk's office. Mr. Purple suggested up to a 14 day limit on the temporary pass, with the option for one renewal only. The Board was in agreement.

Mr. Kolenda motioned to approve draft as amended, Ms. Phaneuf seconded, voted all in favor (4-0).

Ms. Phaneuf also wanted to make note of the amount of time that Ms. Galligan has put in on behalf of the Board in resolving Public Works issues, and thanked her. Board agreed.

III. Reports

1. Chairman's Report
No report.
2. Town Administrator Report

- Mr. Purple received a request for authorization for a homeowner to refinance an Affordable Housing Unit at 10B Fitzgerald Lane (a requirement for Affordable Units). The Board agreed to allow.
- The Public Safety Building Committee will hold their first meeting June 15 at 6:30pm at the Fire Station, and invite the Board of Selectmen to attend.
- Facilities Director John Parent represented Southborough at the MAPC review and bid process for an energy services company, working with money received from the Green Community grant. Honeywell was selected by MAPC. Audit and analysis of building was discussed, as well as project funding, etc. Mr. Purple will schedule Mr. Parent a later date to update the Board.

IV. Consent Agenda

1. Approve Meeting Minutes: May 2, 2017; May 16, 2017
2. Approve FY2018 Board and Committee Appointments
3. Award Contract for FY18 Fuel bid
4. Approve One-day Beer and Wine License – Chestnut Hill Farm: June 18, Father's Day event
5. Approve Interdepartmental Transfers for FY17
6. Reappoint James Gallagher as Police Officer, through June 30, 2019

Item #1: Dan Kolenda motioned to approve May 2, 2017 minutes as presented; seconded and voted all in favor (4-0). Brian Shea motioned to approve May 16, 2017 minutes as presented; Mr. Kolenda abstained, as he was absent; seconded and voted in favor, 3-0-1.

Item #2: Mr. Kolenda would like the new proposed candidate for the OSPC (Karen Cvitkovich) to come in to meet the Board before appointment. Motion to appoint as presented, with Mr. Kolenda's amendment, was seconded and voted all in favor (4-0).

Items #3-6 were motioned for approval, seconded, and voted all in favor (4-0).

V. Other Matters Properly Before the Board

1. Creation of Golf Course Committee

Mr. Purple presented a draft charge for the Golf Course Committee, with input from Mr. John Wilson. Ms. Braccio asked if it could include working with CPC for potential funds, design input, etc. Board agrees; Ms. Braccio will provide wording to Mr. Purple to add.

Ms. Phaneuf questioned if the Board of Selectmen can delegate the responsibility of golf course management to the committee, as it appears to indicate under "Duties" description. Mr. Purple said they will not have the authority to enter into agreements, only to make recommendations to the Board of Selectmen.

After discussion, Board agreed to change the number of members to "up to 7", from 5.

Motion to approve charge as amended was seconded and voted all in favor (4-0).

2. Naming Policy for Town Property

Mr. Purple presented a draft policy. Motion to approve policy as presented was seconded and voted all in favor (4-0).

VI. Public Comment
None.

Meeting adjourned at 7:45pm

Upcoming Meetings

July 18, 2017

August 8, 2017

Submitted by Lori Esposito, Executive Assistant, Recorder Pro Tempore

List of Documents referred to at the June 14, 2017 BOS Meeting

- Letter from Police Chief with sample course registration and waiver sheet
- Memo from Karen Galligan with Draft Transfer Station Rules/Regulations changes
- Transfer station report – expense/revenue summaries
- May 2, 2017 and May 16, 2017 draft meeting minutes
- Board/Committee reappointment spread sheets
- Letter from John Parent recommending contract award for #2 fuel oil low bid
- Memo from Brian Ballantine for approval of year-end transfers
- Letter and draft charge from Mark Purple for Golf Course Committee
- Letter and draft policy from Mark Purple on Naming of Town Facilities
- Application for one-day alcohol license from Chestnut Hill Farm
- Conservation Restriction to the Town of Southborough, labeled “Comment Draft, for internal review purposes only”, dated 6/14/2017

**Board of Selectmen
June 22, 2017
Meeting Minutes
McAuliffe Hearing Room**

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TOWN CLERK'S OFFICE
2018 OCT -4 A 9
SOUTHBOROUGH, MA

Present: Brian Shea, Vice-Chair, Bonnie Phaneuf, Lisa Braccio. Daniel Kolenda was absent.

The meeting was opened at 6:30 p.m.

Open Space Preservation Committee: The Board met with Karen Cvitkovich, an applicant for a vacancy on the Open Space Committee. The Board spoke to the applicant regarding her skill set and interest in the committee, as well as the level of commitment that is involved. Ms. Cvitkovich added that she does travel with her job but when she is here, she will be very dedicated to the committee. The Board voted 3-0 to appoint the applicant for a term ending June 30, 2020.

Interdepartmental Transfer: Due to an overage under snow and ice spending, the Reserve Fund was not able to cover a deficit this year. Mr. Purple recommended an inter-departmental transfer from the Assessors capital budget. The Board agreed to the \$19,750 transfer. After a motion to approve, the Board voted this 3-0.

The Board further voted 3-0 to approve \$6,177.00 for the Clerk's department to cover early voting and town meeting set-up costs. This was funded from the health insurance budget.

The Board voted 3-0 to approve the following items on the Consent Agenda:

- Approval of Interdepartmental Transfer for FY17
- Reappoint Heidi Kriger as Town Accountant; term 6/30/20
- Reappoint John Wilson as Veteran's Agent and Burial Agent; term 4/30/18
- Reappoint Mark Purple as Chief Procurement Officer; term 6/30/18

Appointment of new staff: After discussion, the Board voted 3-0 to appoint current employee Karen Finelli as the new Department Assistant to the Zoning Board of Appeals, and set her rate at \$25.00 per hour.

Other Matters: Ms. Braccio asked the Board if they want to begin giving the Boston Post Road cane out again which the Board consented to if criteria can be agreed upon, or if a replica cane could be procured.

Selectmen Braccio and Phaneuf met with Recreation staff to discuss the ongoing lights project. There was no permit requested for the generator, nor was wiring completed efficiently. It was noted the Recreation Commission had some missteps; staff is trying to

address this. Doreen Ferguson, Recreation Director was trained to turn it on/off. The insurance question was resolved. Since the generator was not fenced in, it needed to be monitored constantly. The Board wants a policy drafted that town departments do not take on responsibilities without permission from MIIA or a checklist. National Grid hasn't signed off on it being there; as a result, it was shut down last night and the scheduled game was called off. Pending completion, the generator will only be turned on and off and under Electrical Inspector Colleary's authority.

At 7:30 p.m., the Board voted by roll call vote to enter Executive Session per M.G.L. Chapter 30A, Section 21, and will not be returning to Open Session - issues to be discussed are:

(1) to consider the purchase of real property (Exemption 6), and
(2) to discuss strategy with respect to litigation (Exemption 3),
as the Chair has determined that having the discussions in open session may be detrimental to the public body's negotiating position.

Roll Call: Shea, aye; Phaneuf, aye; Braccio aye.

Submitted by Vanessa D Hale, Assistant Town Administrator

Documents reviewed during the meeting:

- Cvitkovich volunteer form
- Recommendation from the Open Space Preservation Committee
- Interdepartmental transfer form for DPW

**Board of Selectmen
Executive Session
June 22, 2017
McAuliffe Hearing Room
17 Common Street, Southborough**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -3 A 11:08
SOUTHBOROUGH, MA

Present: Brian Shea, Vice-Chair, Bonnie Phaneuf, Lisa Braccio. Daniel Kolenda was absent.

At 7:30 p.m., the Board voted by roll call vote to enter Executive Session per M.G.L. Chapter 30A, Section 21, and will not be returning to Open Session - issues to be discussed are:

- (1) to consider the purchase of real property (Exemption 6), and
- (2) to discuss strategy with respect to litigation (Exemption 3), as the Chair has determined that having the discussions in open session may be detrimental to the public body's negotiating position.

Roll Call: Shea, aye; Phaneuf, aye; Braccio aye.

St. Marks: Mr. Shea summarized the meeting with St Marks regarding the golf course land deal. As part of land exchange, parties would have access to sites for site assessment testing. They have told the Town, as a result, they do not want the property at 0 School Street. A Phase II assessment was done as well, with town authorization. The completion date has been amended and it should be extended again if the board agrees. The Board queried whether there is a question of immediate threat to public safety and whether the potentially hazardous site needed to be reported to DEP. St Marks answered it did not. Testing of 21 Main Street was fine except for PCB/asbestos which the town was aware of.

Representatives from St. Marks stated they want to exclude 0 School St and change the amount of the agreement to \$484,000.

A mutual 30 day extension was granted to July 31; the Board will again discuss this matter at their July 18th meeting. The Board voted 3-0.

It was duly noted, for the record, that the Town has no information that School Street has environmental issues.

Planning Board: There was not a quorum of members present that could participate in the discussion, as Mrs. Phaneuf recused herself. Thus, the Board tabled deliberation on the disposition of the Planning Board appeal of the ZBA decision on Park Central.

The meeting adjourned at 8:00 p.m.

Submitted by Vanessa D Hale, Assistant Town Administrator.

Documents used in the meeting:

- None.
-

**BOARD OF SELECTMEN
EXECUTIVE SESSION
July 7, 2017
MCAULIFFE HEARING ROOM
17 COMMON STREET, SOUTHBOROUGH**

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -3 A 11:08
SOUTHBOROUGH, MA

Present: Dan Kolenda, Chairman; Bonnie Phaneuf, Brian Shea, Lisa Braccio (remotely by phone). Also present: Aldo Cipriano, Town Counsel, Jay Talerman, Special Counsel and Mark Purple, Town Administrator.

The Board entered Executive Session by unanimous roll call vote (4-0-0) at 8:12AM.

Court decision on assessment of sanctions against Planning Board

Mrs. Phaneuf asked Mr. Talerman if she was allowed to participate in this issue. It was understood that without her participation, there would not be a quorum in the room, and therefore Mrs. Braccio could not participate remotely per the policy. Mr. Talerman said that she did not have a financial interest in the matter, that the decision was narrowly construed to the sanctions, and that he did not see any conflict in her participation. Mr. Cipriano concurred with Mr. Talerman's assessment. The Board also needed to make a decision timely, as any appeal of the decision needed to be made prior to July 18. Mrs. Phaneuf then said she would participate on the advice of counsel.

The Board reviewed with Mr. Talerman the court's decision against the Planning Board for sanctions.

[REDACTED]
[REDACTED]
[REDACTED] Mr. Kolenda

questioned how a decision could be rendered against the Planning Board, when the members appeared to have filed individually. Mr. Purple noted that should the Board want to accept the decision, residual FY17 funds in Planning Board and Special Legal were available to do so. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Mr. Kolenda will work with Planning Board Chairman Don Morris to encumber the Planning Board funds as discussed.

Motion by Mr. Kolenda to authorize Mr. Talerman to continue the proceedings as necessary in order to give he and Mr. Cipriano time to further negotiate with opposing counsel, and further to authorize Mr. Kolenda to work with the Planning Board Chair to encumber the funds pay for the sanctions and/or an appeal of the decision. Motion seconded by Mr. Shea, and unanimously approved by a roll call vote (4-0-0).

The Board voted unanimously by roll call vote (4-0-0) to end Executive Session and adjourn at 8:39AM.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.
-



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2017 JUL 21 A 10:29

SOUTHBOROUGH, MA

Meeting Date: Friday, July 7, 2017, 8:00am

Location: Town Administrator's Office, 17 Common Street, Southborough, MA

Present: Chairman Daniel Kolenda, Brian Shea, Bonnie Phaneuf, Lisa Braccio (remote by phone), Mark Purple, Town Administrator, Town Counsel Aldo Cipriano, Special Counsel Jay Talerma

Absent: None

I. **Mr. Kolenda called meeting to order at 8:00am.** He noted that Lisa Braccio had filled out the paperwork to participate remotely by phone, which he had approved.

II. Consent Agenda

1. Approve re-drafted language for Home Rule petition (H3717)
2. FY2018 Staff Reappointments
3. Approve legal contract for Conservation Restriction for Golf Course property

Item #1: Mr. Purple explained the amending of the language to remove the specific 30B exclusions, but Mr. Cipriano said that St. Mark's counsel would like a general reference to 30B. The language was so amended.

Item #2: Mr. Purple noted that three appointments were added to the sheet in their packets: Brian Shifrin to Affordable Housing Trust Fund Committee (missed swearing-in period); Kathy Cook to Public Safety Building Committee (new); and Larry Vagnini to Public Safety Building Committee (missed swearing-in period). After some discussion, the Board agreed to remove Mr. Vagnini from the list of appointments.

Items #3: Mr. Cipriano noted that the contract had been reviewed and was approved as to form.

Motion by Mr. Kolenda to approve Items #1-3, seconded by Mrs. Phaneuf. Roll call vote was unanimous, 4-0-0.

Mr. Kolenda made a motion to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not to return to Open Session for the following purpose: to discuss strategy with respect to litigation (Exemption 3), as the Chair has determined that having the discussions in open session may be detrimental to the public body's negotiating position. Roll call vote was unanimous.

The Board entered into Executive Session at 8:12AM.

Submitted by Mark Purple, Town Administrator

List of Documents referred to at the July 7, 2017 BOS Meeting

- Amended Home Rule Petition (H3717)
- List of FY2018 staff and committee reappointments
- Contract for Attorney McGregor, RE: Golf Course Conservation Restriction



BOARD OF SELECTMEN

July 7, 2017

EXECUTIVE SESSION

RECEIVED
TOWN CLERK'S OFFICE

2018 JUN 26 A 9:55

SOUTHBOROUGH, MA

Present: Dan Kolenda, Chairman; Bonnie Phaneuf, Brian Shea, Lisa Braccio (remotely by phone). Also present: Aldo Cipriano, Town Counsel, Jay Talerman, Special Counsel and Mark Purple, Town Administrator.

The Board entered Executive Session by unanimous roll call vote (4-0-0) at 8:12AM.

Court decision on assessment of sanctions against Planning Board

Mrs. Phaneuf asked Mr. Talerman if she was allowed to participate in this issue. It was understood that without her participation, there would not be a quorum in the room, and therefore Mrs. Braccio could not participate remotely per the policy. Mr. Talerman said that she did not have a financial interest in the matter, that the decision was narrowly construed to the sanctions, and that he did not see any conflict in her participation. Mr. Cipriano concurred with Mr. Talerman's assessment. The Board also needed to make a decision timely, as any appeal of the decision needed to be made prior to July 18. Mrs. Phaneuf then said she would participate on the advice of counsel.

The Board reviewed with Mr. Talerman the court's decision against the Planning Board for sanctions. While there were likely some technical errors in the judge's decision, [REDACTED]

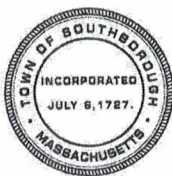
[REDACTED] Mr. Kolenda questioned how a decision could be rendered against the Planning Board, when the members appeared to have filed individually. [REDACTED]

[REDACTED] Mr. Cipriano recounted the legal proceedings that led up to the decision, and suggested that filing an appeal or for technical review of the decision would give Mr. Talerman and himself time to work with opposing counsel to see if he was open to a non-monetary resolution to the matter. In the meantime, Mr. Kolenda will work with Planning Board Chairman Don Morris to encumber the Planning Board funds as discussed.

Motion by Mr. Kolenda to authorize Mr. Talerman to continue the proceedings as necessary in order to give he and Mr. Cipriano time to further negotiate with opposing counsel, and further to authorize Mr. Kolenda to work with the Planning Board Chair to encumber the funds pay for the sanctions and/or an appeal of the decision. Motion seconded by Mr. Shea, and unanimously approved by a roll call vote (4-0-0).

The Board voted unanimously by roll call vote (4-0-0) to end Executive Session and adjourn at 8:39AM.

Submitted by Mark Purple, Town Administrator.



BOARD OF SELECTMEN
July 19, 2017
EXECUTIVE SESSION

RECEIVED
TOWN CLERK'S OFFICE
2018 JUN 26 A 9:55
SOUTHBOROUGH, MA

Present: Dan Kolenda, Chairman; Bonnie Phaneuf, Brian Shea, Lisa Braccio. Also present: Mark Purple, Town Administrator.

The Board entered Executive Session by unanimous roll call vote (4-0-0) at 8:43PM.

Court decision on assessment of sanctions against Planning Board

Planning Board Chairman Don Morris and Meme Luttrell were invited into Executive Session for the discussion. This was a follow-up to a previous discussion on July 7, 2017.

Mr. Kolenda reviewed the history of the issue and the liability to the Planning Board members and the Town, and Mr. Purple identified the funding sources available to pay the sanctions.

Mr. Morris said that this issue is a Selectmen issue, not a Planning Board issue, and had been since the Selectmen assigned Special Counsel Talerman to the case. Planning Board's input was not sought in the case, and any residual FY17 Planning Board funds desired to be used are already under contract with vendors. Mr. Kolenda said that it is the Selectmen's obligation to pay the sanctions for the Town; the question is from where. There was some additional discussion between Mr. Purple and Mr. Morris as to the process of encumbering funds, the validity of a contract without the Town Accountant's signature, and the alternative funding source of FY17 residual Special Legal funds.

Mr. Kolenda motion to pay the sanctions out of residual FY17 Planning Board funds, seconded by Mrs. Phaneuf for discussion.

There was some additional back and forth between Mr. Kolenda and Mr. Morris on the issue. Mr. Kolenda said he would only vote to pay the sanctions out of Planning Board funds, and called for a vote on the motion on the table. The motion failed by roll call vote, 1-3-0 (Kolenda in favor).

Mrs. Phaneuf motion to pay the sanctions out of residual FY17 Special Legal funds, seconded by Mrs. Braccio. The motion passed by roll call vote, 3-1-0 (Mr. Kolenda opposed).

Dan said that a public statement should be prepared, and Mr. Morris asked that the Planning Board be allowed to see it before it is released, to which Mr. Kolenda agreed. All parties agreed that both Boards should move on from this issue, and that the animosity between the Boards should be put to bed.

St. Mark's proposal for Amendment to Purchase and Sale Agreement

Mr. Purple presented the issue to the Board, which was provided copies of the current Purchase and Sale Agreement (P&S), as well as the email from Bob Meyers at St. Mark's outlining the details of the amendment request. In short, St. Mark's Trustees have indicated that they do not want to acquire 0 School Street after their due diligence review of the property, and would like to remove it from the P&S. Aldo has confirmed that the reasoning does not have an impact on public health or safety. In return, St.

Mark's wants their appraised value of the property included in the transaction, or \$185,000. Additionally, the quotes they received to demolish and remediate the 19 Main Street property well exceeded the anticipated amount of the rollback taxes (approx. \$310,000) in the amount of \$299,000. The total additional funds being requested for the Town to add to the purchase price of \$4.5M is \$484,000, for a total purchase price of \$4,984,000. The Board had previously reviewed the demolition and remediation quotes, and they seemed to be in order. Mr. Purple suggested that the Board could counter with using the Town's appraised value for 0 School Street, which was \$150,000, or \$35,000 less than that of St. Mark's appraisal.

Mr. Purple asked if the Board wanted to pay the additional purchase price from the project cost as voted under Article 1 of the STM, or if they wanted to address it in another manner, such as waiving St. Mark's annual payments for a period of time. The Board did not want to use the annual payments, and said that the funds would come from the project/acquisition funding.

Motion by Mr. Kolenda to approve the request by St. Mark's of a \$484,000 adjustment to the purchase price of the golf course, less the difference of appraised value of 0 School Street, or \$35,000, for a total amendment to the P&S of \$449,000, to be paid from Article 1 funds. Seconded by Mr. Shea, unanimous roll call vote (4-0-0).

The Board voted unanimously by roll call vote (4-0-0) to end Executive Session and adjourn at 9:12PM.

Submitted by Mark Purple, Town Administrator.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2018 DEC -5 A 10: 28

SOUTHBOROUGH, MA

Meeting Date: Tuesday, August 1, 2017

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Chairman Dan Kolenda; Bonnie Phaneuf; Lisa Braccio; Brian Shea (remote participation by phone); Town Administrator, Mark Purple

Absent: None

I. Mr. Kolenda Called Meeting to Order at 8:00am

II. Executive Session

Mr. Kolenda made a motion to enter into Executive Session per MGL Chapter 30A, Section 21 to discuss the employment agreement for the Finance Director (Exemption 3), and that the Board would return to open session following the Executive Session. Motion was seconded by Mrs. Phaneuf. Roll call vote was unanimous, 4-0-0.

Board in Executive Session at 8:02am.

III. Scheduled Appointments

Mr. Kolenda called the Open Session back to order at 8:25am.

1. Jason Malinowski, Chairman, PSBC – Recommendation for OPM Contract

Mr. Malinowski presented the Committee's recommendation for an OPM for the Public Safety Project. Vertex, Inc. was the recommended firm, and the not-to-exceed pricing presented did not include the construction phase of the project; that would be an amendment to the agreement following the completion of design, but before construction commenced. Mrs. Braccio made a motion to approve the recommendation of the PSBC to hire Vertex, Inc. as OPM for the Public Safety Project, seconded by Mr. Shea. Unanimous vote to approve, 4-0-0.

IV. Consent Agenda

1. Stipend request for Town Accountant office assistance
2. Accept \$100.00 donation to the Ambulance Fund
3. Accept \$500.00 donation from NE Center for Children for Emergency Management Donation Account
4. Reappoint Jacob Walter to the Board of Registrars of Voters, term 6/30/20
5. Appoint Traci Navaroli to the Board of Registrars of Voters, term 6/30/18
6. Approve the use of the new voting equipment funded at Annual Town Meeting (*Motion: Vote to approve the use of new voting equipment, ImageCast Precinct tabulators, beginning with the Special Town Election on November 7, 2017 and discontinue the use of the current voting equipment, AccuVote OS tabulator.*)
7. Appoint Jenny Peet to Southborough Stewardship Committee/Citizen at Large Rep, term 6/30/18

Mr. Kolenda noted that Item #6 was tabled until the next meeting on August 8. Mr. Kolenda motion to approve consent agenda items 1-5 and 7, seconded by Mrs. Phaneuf. Unanimous vote to approve, 4-0-0.

V. Meeting adjourned at 8:35am

UPCOMING MEETINGS

August 8, 2017

August 17, 2017

Submitted by Mark Purple, Town Administrator

List of Documents referred to at the August 1, 2017 BOS Meeting

- July 7, 2017 Memo from Heidi Kriger to the Board
- June 28, 2017 Memos from Fire Chief on donations to Ambulance Fund
- Email from Town Clerk to Town Administrator on multiple issues for Board consideration;
- Town Volunteer Form – Jenny Peet

BOARD OF SELECTMEN

EXECUTIVE SESSION

August 1, 2017

McAuliffe Hearing Room, 17 Common Street, Southborough

RECEIVED
TOWN CLERK'S OFFICE
2019 JAN -3 A 11:09
SOUTHBOROUGH, MA

Present: Dan Kolenda, Chairman; Bonnie Phaneuf, Lisa Braccio, and Brian Shea (remotely by phone).

Also present: Mark Purple, Town Administrator; Brian Ballantine, Finance Director.

The Board entered Executive Session by unanimous roll call vote (4-0-0) at 8:02am.

Employment Agreement for Finance Director

[REDACTED]

The Board voted unanimously by roll call vote (4-0-0) to end Executive Session and adjourn back to Open Session at 8:25am.

Submitted by Mark Purple, Town Administrator.

Documents used in the meeting:

- None.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2017 SEP -7 1 A 10:04
SOUTHBOROUGH, MA

Meeting Date: Tuesday, August 8, 2017, 6:30 pm

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Chairman Dan Kolenda; Brian Shea; Lisa Braccio; Town Administrator, Mark Purple

Absent: Bonnie Phaneuf

I. Mr. Kolenda Called Meeting to Order at 6:30 pm

II. Scheduled Appointments

1. 6:30 pm HEARING: Consider Application for License from First Colony Dev. Co to store underground propane tanks at 84 Main Street, Southborough

The application has been reviewed and signed off by the Fire Chief. Mr. Kolenda moved to approve the license from First Colony Dev. Co to store underground propane tanks at 84 Main Street. Mr. Shea seconded and all in favor (3-0)

2. 6:45pm HEARING: Application for Transfer of License and Alteration of Premises for Rose Garden

Atty Chris Coleman is present to represent the applicant/manager Terry Mo to request transfer of License and Alteration of Premises for Rose Garden. Mr. Kolenda moved to approve the transfer of license for the New Rose Garden. Mr. Shea seconded and all in favor (3-0)

3. Jason Malinowski, Chairman, PSBC – Project Update

Mr. Malinowski provided an update on their regular meetings and project progress. The Owner's Manager Contract was signed with Vertex Company and a meeting took place to discuss time lines for the project. Contract negotiations for the Owner's Project Manager are currently underway with Context Architect formerly known as Donham and Sweeney. The Public Safety Building Committee unanimously recommended that the Board appoint Mr. John Rooney as the ex-officio member to the Golf Course Committee. Looking ahead, the Committee plan to host a series of open forum and reach out to Advisory, Planning, Conservation, and Board of Health to entertain any discussions ahead of the formal permitting process.

4. Dave McCay, Chairman, EDC –Update on Downtown Survey

Mr. McCay and Ms. Julie Connelly are present to provide an update on the downtown project. The Committee came up with a 2-step plan where the first step is to put together a survey to collect information from residents on what they like, dislike and would like to improve about the downtown. The second step is a TAP program under the Urban Land Institute which is a Technical Assistant Program to assist communities in responsible use of land. The Committee is requesting support from the Board to roll out the first step. The Board is in support of their work.

5. Golf Course Committee interviews and appointments

- a. Kevin Battles, 11 Latisquama Road
- b. Eric Sommerhalter, 34 Woodbury Road

The Board agreed to a 7-member Golf Course Committee with 2 ex-officio members, one being the Town Administrator. There are 12 applicants with 3 candidates present to be interviewed. Mr. Louis Palecki, Ms. Sheila Monterastelli and Mr. Kevin Battles expressed their interest and qualifications for consideration. Mr. Richard Cruciani respectfully

withdrew his application due to conflict of interest. Mr. Shea would like to confirm Mr. Rooney's appointment as the ex-officio member as recommended by the Public Safety Building Committee. All in favor (3-0). Mr. Kolenda moved to appoint Mr. Kevin Battle, Mr. Louis Palecki, Ms. Sheila Monterastelli, Mr. John Wilson, Mr. John Boland, Mr. Andre Fortin and Ms. Joyce Macknauskas. Ms. Braccio seconded and all in favor (3-0).

6. Jim Hegarty, Town Clerk

- a. Approve the use of the new voting equipment funded at Annual Town Meeting (*Motion: Vote to approve the use of new voting equipment, ImageCast Precinct tabulators, beginning with the Special Town Election on November 7, 2017 and discontinue the use of the current voting equipment, AccuVote OS tabulator.*)

The purchase of new voting equipment was approved at last Town Meeting. Mr. Hegarty said a vote is now required by the Board to authorize the use of the new machines and state the discontinuance of the old machines. Mr. Kolenda motion to approve the use of the new Accuvote OS Tabulators in the next election of November 17, 2017 and discontinue use of the current voting equipment. Mr. Shea seconded and all in favor (3-0)

- b. Proposed consolidation of the three voting locations to one location at the Trottier School gym (*Board may vote: Motion: Vote to designate the P. Brent Trottier Middle School, 49 Parkerville Road, Southborough, MA, as the polling location for all Southborough elections beginning with the Special Town Election on November 7, 2017.*)

Mr. Hegarty asked for Board recommendation to consolidate all three voting locations to one location at the Trottier Gym. Mr. Hegarty has full support from the school principal, Superintendent Johnson and Police Chief. The one location will continue to have 3 voting precincts inside the gym and will cut cost for Police duties, reduce programming cost for machines and reduce disruption at the schools. Desiree Aselbekian (137 Woodland Road) supports the consolidation to Trottier but is concerned with the timing of it and trying to implement it for the next special election of November, 17, 2017.

Mr. Shea vote to designate the P. Brent Trottier Middle School as the Polling location for all Southborough Elections beginning with the Special Town Election on November 17, 2017. Ms. Braccio seconded and all in favor (3-0)

7. Karen Galligan, DPW Superintendent – Project Updates

Ms. Galligan provided a list of DPW projects and issues and updated the Board on each of the projects.

Ms. Desiree Aselbekian (137 Woodland Road) would like to know why the town is allocating Chapter 90 funds when it has been identified that much of the issue is relative to trucks getting to and from local businesses. She would like to see some sort of a mitigation program and suggested to the Board to look at what the town could be asking developers or projects for mitigation to assist the town

III. Reports

1. **Chairman's Report**

Mr. Kolenda would like to commend the Senior Division Little League Baseball Team represented the Town of Southborough who won the State Title.

2. Town Administrator Report
None

IV. Consent Agenda

1. Appointment of Administrative Assistant to the Building Department
2. Appointment of Assistant Town Accountant
3. Extension of current MTC and EDC appointments to 9/30/17
4. Approval of Chapter 90 project requests

Ms. Vanessa Hale summarized the interview process and requested the Board to approve Ms. Heidi Lindsey to the new Assistant Town Accountant position and Mr. RJ Wood to the new Principal Department Assistant in the Building Department. Mr. Kolenda moved to appoint both individual under Consent Agenda Item 1 and 2. Mr. Shea seconded and all in favor (3-0)

Mr. Kolenda moved to approve items 3 and 4. Mr. Shea seconded and all in favor (3-0)

V. Other Matters Properly Before the Board

1. David Parry – Proposal to Remove Utility Poles from Main Street

Mr. David Parry (22 Main Street) provided a presentation for the removal of utility poles on Main Street. Ms. Karen Connell was asked to read a letter into the record from Mr. Tony Kwan. Mr. Parry read one paragraph of the letter which stated Mr. Kwan's donation of \$5K to cover the cost of the feasibility study. Mr. Purple said that the \$5K was an estimated amount given by Verizon. Each of the tenants on the poles can assess their own amount for the feasibility study. He does not know what the amount would be from National Grid and Charter. Mr. Shea said that the town do not have the funds to completely implement this in the time frame that Mr. Parry is indicating. If this is something that the Town would like to do, it would need to go to the annual town meeting for a vote. Mr. Shea said that the easement is an approximate one year process and easement cannot be developed until a design is done.

Sam Stivers (7 Presidential Drive) Advisory Committee member, not speaking on behalf of Advisory Committee, but will report the facts that Advisory had a conversation about this and the consensus is willing to consider this but needed a specific proposal in terms of dollars and numbers and has not been presented. Ms. Braccio restated that \$5K is a deposit for Verizon to do the study but there are other utility companies that use the poles that need to come up with their cost. The Board thanked Mr. Parry for the presentation. Mr. Purple said that \$2600 have been spent to date out of Mr. Galligan's budget on this effort and would like clear direction from the Board whether to continue. Mr. Shea said efforts should continue to reach out to the utility companies and work towards setting up meetings with utility companies to find out what the true cost and schedule will be.

VI. Public Comment

Ms. Karen Connell (15 Main Street) is in support of removing the poles because of the businesses that will be affected.

Mr. Ray Hokinson (10 Main Street) has been involved in the Main Street Project for a long time and has given up on the project. He commended Mr. Parry for resurrecting the project.

Mr. Martin Healey (8 Upland Road) recommended to the Board to preserve the possibility of what can be done in the future while Main Street is being ripped up without spending millions of dollars now.

Christo Baltas (164 Middle Road) is the owner of Southborough House of Pizza. He would like to provide a business perspective. He said that Downtown is not what it used to be. There is a larger issue that needs a whole reassessment and re-evaluation of the whole downtown area and to open it up to more businesses.

Stephen Phillips (26 Main Street) hopes to see a level of mutual respect in all the parties involved in the Main Street Project. He would like to know what the real cost is for the feasibility studies and thanked the Board for the discussion.

Justin Kelsey (16 Atwood Road) is one of the owners at 9 Main Street. He appreciates that the Board will continue to do the work to find out what the cost will be for feasibility studies and next steps.

VII. Meeting adjourned at 9:40pm

UPCOMING MEETINGS

September 5, 2017

September 19, 2017

Submitted by Jenn Hom, Recording Secretary

List of Documents referred to at the August 8, 2017 BOS Meeting

- Application for License from First Colony Dev Co.
- Application for retail alcoholic beverages license and transfer of liquor license for Rose Garden
- Memo from Mr. Purple on Golf Course Committee applicants
- Town Volunteer Form – Richard Cruciani
- Town Volunteer Form – David Parry
- Town Volunteer Form – John Bolland
- Town Volunteer Form – John Wilson
- Town Volunteer Form – Andre Fortin
- Town Volunteer Form – Connell McNamara
- Town Volunteer Form – Adam Frutman
- Town Volunteer Form – Kevin Battles
- Town Volunteer Form – Eric Sommerhalter
- Town Volunteer Form – Joyce Macknauskas
- Memo from Karen Galligan – Public Works updates
- Intermunicipal Water Supply Agreement
- Memo from Sussman, Joyces and Coombs dated July 26, 2017
- Memo from Vanessa Hale on employee appointments
- Memo from Karen Galligan dated August 3, 2017 on Chapter 90 projects
- One page summary on Mr. Parry's presentation



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2018 SEP 19 A 10:40

SOUTHBOROUGH, MA

Meeting Date: Thursday, August 17, 2017

Location: Fire Dept. Conference Room, 19-21 Main Street

Present: Vice-Chair Brian Shea, Bonnie Phaneuf, Lisa Braccio, Town Administrator Mark Purple

Absent: Chairman Dan Kolenda

Mr. Shea called the meeting to order at 7:30 PM.

The Board members had been listening to (but not participating in) the discussion of the Public Safety Building Committee regarding the contract for the project Architect, as well as the Committee's recommendation for the award of that contract to Context Architecture. Mr. Shea asked the members if they had any questions or comments of the Committee, and there were none.

Mr. Shea made a motion to approve the Public Safety Building Committee recommendation to award the Architect's contract for the project to Context Architecture in the amount of \$1.43M, subject to Town Counsel review. Motion was seconded by Mrs. Phaneuf, and passed unanimously, 3-0-0.

Mr. Shea motion to approve all items on the Consent Agenda, seconded by Mrs. Phaneuf. With no discussion, motion was unanimously approved, 3-0-0.

Mr. Shea motion to adjourn at 7:32PM, seconded by Mrs. Phaneuf and unanimously approved, 3-0-0.

Respectfully submitted,

Mark J. Purple
Town Administrator

List of documents referred to at the August 17, 2017 BOS Meeting:

1. EDC Proposal for Contracted Services



TOWN OF SOUTHBOROUGH

RECEIVED
TOWN CLERK'S OFFICE
2017 SEP 21 11 A 9:31

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 5, 2017, 6:30 pm
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Chairman Dan Kolenda, Brian Shea, Bonnie Phaneuf, Lisa Braccio, Town Administrator, Mark Purple
Absent:

I. **Mr. Kolenda called meeting to order at 6:30pm**
II. **Scheduled Appointments**

1. 6:30 pm – HEARING: Petition for Joint Location by Massachusetts Electric CO. (NGRID) and Verizon on Oregon Road.

Mr. Purple read the notice to open the hearing and tabled it because a National Grid representative was not present. The Board went on to discuss other matters. Thirty minutes have passed and there was no representative from National Grid. Mr. Arthur Miner (27 Oregon Road) attended the meeting to hear from a National Grid representative because he is concerned with the safety issue where the proposed poll is situated. Mrs. Phaneuf suggested that National Grid refile and re-advertise since there are new abutters. The Board agreed with Mrs. Phaneuf to have National Grid refile.

2. Karen Galligan, DPW Superintendent

a. Consideration of Chestnut Hill Road as two-way street

Ms. Galligan requested the Board to consider the last 1000LF of Chestnut Hill be re-constructed as a 2-way street. This will benefit the public safety, the new development, current residents and ongoing drivers. DPW and the two public safety chiefs recommended moving forward with the 2-way road construction. Mr. George Connors from Connorstone Engineering presented a diagram based on google earth pictures to show the impact of two trucks going on Chestnut Hill Road. He is seeking approval from the Board to go forward to do the actual traffic engineering design and the signage for both ends of the Chestnut Hill Road during construction. Mr. Shea wanted to confirm that the cost for all the work is going to be picked up by the developer and the proponent of the project and not the town. With part of the section of the road to remain one way, he is concerned that there is a potential petition to the Town to make that section of Chestnut Hill a two-way at the cost of the town. Ms. Galligan said that section of the road would require some significant undertaking to make it a two-way and the nature of the road would change. Fire Chief Mauro supports the two-way construction from a public safety standpoint.

Mr. Whitney Beals (10 Chestnut Hill Road) wanted to reaffirm that the current proposal is the possibility of making Chestnut Hill Road a two-way road from the proposed new subdivision up to the railroad bridge. He also mentioned that there are oversized trucks that go up on that road on a daily basis ignoring the signs on the entrance of the road. He is concerned about the amount of construction traffic with the large vehicles coming up the road if it is not a two-way road at the end because it would be compromise the road very quickly. He also added that it would be very dangerous to make the whole stretch of Chestnut Hill Road a two-way road. He pointed out that any work requires the approval of Conservation Commission

and also notification of the MWRA because of the outstanding resource waters. The Board is in support to proceed with a public hearing.

b. Authorization to increase median cut at 4 & 7 Davis Road

Ms. Galligan had asked to have the curb cut at 4 & Davis Road, which is an island in the middle of the road. There has been no opposition and there is support from the neighbor who is most affected. Mr. Kolenda moved that the Board approve the increase in the median cut at 4 and 7 Davis Road. Mr. Shea seconded. All in favor (4-0)

c. Authorization for negotiation of easements for Main Street Project

Ms. Galligan requested the Board to assign people to handle the easement process. Mr. Kolenda moved to authorize negotiation of easement for Main Street with the Board of Selectmen representative being Mr. Shea. Ms. Braccio seconded. All in favor (4-0). The Board authorized Ms. Galligan to be the initial contact person and to sign the packages that go out to the residents as prepared by the appraiser. All in Favor (4-0).

III. Reports

1. Chairman's Report

Mr. Kolenda publicly thanked many people and local businesses to help make Summer Nights a successful event. Ms. Braccio facilitated the Hope for Houston donation event. The goal was to fill one 53-foot trailer and ended up filling two tractor trailers. She publicly thanked the Capello family and all town departments who stepped forward to make this possible. Mr. Kolenda also mentioned interests from the residents about revisiting the Town Manager initiative. This is something for the Board to think about and to sponsor at the upcoming town meeting.

2. Town Administrator Report

Mr. Purple provided some updates from Mr. Malinowski, Chair of the PSB Committee. The Architect contract is signed with a full team on board. The final contract price is \$1.38 million which is \$50K less the amount that the Board approved not to exceed. The design meetings have also begun. Mr. Malinowski will provide a full update at the next BOS meeting. A letter went out to the Choate Field Trustees seeking their approval to use approximately 30ft into Choate Field.

The AG office approved the new bylaws on the EDC and the Municipal Technology Committee. Both committees will require appointments on behalf of the Board. The Municipal Technology Committee is a 5 member committee where the Board will appoint two, School Committee will appoint two and Library will appoint one. The EDC will have a nine member Selectmen's appointment. Mrs. Hale will advertise the open positions.

On August 28, the Selectmen's office, the Assessor's office, Town Clerk, Planning Board and Conservation were all served with a letter from Glickman, Sugarman, Kneeland, Gribouski Law Firm regarding 135 Deerfoot Road. The property is currently under Chapter 61A protection and notification was sent to the Town that there is an intention to sell the property. There is a Purchase and Sale Agreement in place. Mr. Purple has asked Town Counsel to review and should hear back this week.

Mr. Purple also noted a letter received from the AG's office regarding an Open Meeting Law complaint filed by Attorney Bracket. The request was denied by the AG's Office.

IV. Consent Agenda

1. Approve Meeting Minutes: August 8, 2017
2. Approve Employment Contract with Finance Director
3. Accept Donation of CO Detectors for Police Cruisers
4. Reappointments
 - Meme Lutrell-Metrowest Regional Collaborative /Planning Bd. Rep. term 6/30/18
 - Sarah B. Michas-Youth Commission, term 6/30/18
 - William J. Estrada-ADA Committee, term 6/30/20
 - Roger Challen-Municipal Technology Committee, term 9/30/17
5. Approve dissolution of following ad-hoc committees:
 - Public Safety Study Committee
 - Southborough Town Meeting Review Committee
 - St. Marks Golf Course Master Plan Committee
6. Approve Common Victualler License Application for Hola Restaurant and Tequila Bar
7. Accept \$1,000.00 donation to Recreation Commission for the Harold E. Fay Memorial Playground Rebuild
8. Approval of MAPC paving contract award

Mr. Kolenda moved to approve item 1. Ms. Braccio seconded. All in favor (3-0-1) Mrs. Phaneuf abstained.

Mr. Kolenda requested to hold item 2.

Mr. Kolenda moved to approve items 3 and 4. Mr. Shea seconded. All in favor (4-0)

Mr. Kolenda requested to table the second bullet on item 5. Mr. Kolenda moved to approved item 5, first and third bullet. Ms. Braccio seconded. All in favor (4-0)

Mr. Kolenda moved to approved items 6, 7, and 8. Mrs. Phaneuf seconded. All in favor (4-0)

V. Other Matters Properly Before the Board

- VI.** Mrs. Phaneuf suggested putting a charge together and get a committee up and running to evaluate Fayville Village Hall for repurpose.

VII. Public Comment None

The Board adjourned their open session at 7:28pm

Roll call vote to enter into Executive Session was recorded as follows: Kolenda-aye; Shea-aye; Phaneuf- recused herself; Braccio-aye

VIII. Executive Session

To discuss strategy with respect to ongoing litigation (Exemption #3). As the Chair has determined that discussion during an open meeting may have detrimental effect on the litigation position of the Board. The Board will not return to open session.

<p><i>Upcoming Meetings</i> <i>September 19, 2017</i> <i>October 3, 2017</i></p>
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Submitted by Jenn Hom, Recording Secretary

List of Documents referred to at the Sept 5, 2017 BOS Meeting

- Legal Notice of Public Hearing
- Petition for Joint or Identical Pole Locations
- Memo from Karen Galligan dated August 22, 2017
- Memo from Chief Paulhus dated August 24, 2017
- Memo from Fire Chief Joseph Mauro dated August 23, 2017
- Memo from Karen Galligan dated August 30, 2017
- Letter from John Butler and Katherine Whitehouse
- Letter from Yun Gao and Chengbai Xu
- Memo from Karen Galligan dated August 31, 2017
- BOS Meeting Minutes dated August 8, 2017
- Employment Agreement – Finance Director, Brian Ballantine
- Memo from Chief Paulhus dated August 9, 2017
- Consideration to dissolve Committees
- Application for Common Victualler License
- Memo from Doreen Ferguson dated August 22, 2017
- Memo from Karen Galligan on MAPC Consortium Bids dated August 31, 2017



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE
2017 OCT -5 A 9:21
SOUTHBOROUGH, MA

Meeting Date: Tuesday, September 19, 2017, 6:30 pm
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Bonnie Phaneuf, Lisa Braccio, Town Administrator, Mark Purple
Absent: Dan Kolenda

I. Mr. Shea chaired and called the meeting to order at 6:30pm

II. Scheduled Appointments *(Board may vote)*

1. 6:30 pm – HEARING: Petition for Joint Pole Location by Verizon NE Inc. and Massachusetts Electric Co. (NGRID) on Middle Road

Mr. Purple reported that Verizon did not send out the abutters' notices for this hearing as required, therefore, the hearing cannot be held. Verizon will refile. There is no action for the Board to take this evening. All in favor to close the hearing (3-0)

2. 6:45 pm HEARING: Application – Alteration of Premises for New Rose Garden

Ms. Andrea Kor (from Attorney Christopher E. Coleman's office) was representing the applicant to apply for proposed renovation to install a sushi bar in the dining room of the restaurant. The proposed alteration does not change the seating capacity in the restaurant. Mr. Shea moved to close the public hearing. Ms. Phaneuf seconded. All in favor (3-0) Mr. Shea made a motion to grant the application for the alteration of premises for new Rose Garden. Ms. Phaneuf seconded. All in Favor (3-0)

3. Update on Public Safety Building project- Jason Malinowski, PSBC Chairman

Mr. Malinowski provided a brief update on the PSB Project. The Architect and the Owners Project Manager have been working on the design development which is a 10 week process. They are 5 weeks into the project and at the end of project, they will submit their formal application and plans to the Planning Board, Conservation Commission and the Board of Health. The PSB Committee held a meeting with Golf Course Committee followed by joint meetings combined with Conservation, Planning Board and Board of Health to stay ahead of everything and solicit feedback in real time. Next step is to hold public information session that will be geared towards the abutters.

4. Aldo Cipriano, Town Counsel-Update on Draft Conservation Restriction for St. Mark's Golf Course

Mr. Cipriano introduced Atty. Luke Legere from McGregor & Legere Law Firm. He believes that this law firm with its background is best qualified to assist in creating a very comprehensive final draft conservation restriction relative to the golf course property. Initial two drafts have been created so far. They would like the opportunity now to hear comments and input from the BOS as well as public comment and from any of the commissions that have already provided initial comments. They will then work on the comprehensive draft which would be created and circulated. Freddie Gillespie (OSPC Chair) does not believe the process to date has met the intent or the requirement on what the citizens voted on. The intent was to be a collaborative process. Ms. Gillespie suggested to the Board to form a subcommittee group to work on the draft alongside the attorney and Town Counsel. Mark Possemato (Conservation Commission Chair) recommended that a subcommittee be put together as well. Ms. Braccio is in favor of a transparent process where everyone's voice is heard and get the CR done the first time. Mr. Shea said it is not on the agenda to vote on a working group tonight. Mr.

Purple will advertise openings for the subcommittee and draft a charge to be reviewed at the next agenda.

5. Discussion of Notice of Intent to Sell for 135 Deerfoot Road parcel

The Board of Selectmen reached out to other Town Boards and Committees to get input and recommendations on this matter. Donald Morris (Planning Board Chair) recommended that a warrant article be put in place to purchase the land as open space and have the Town vote on it. Freddie Gillespie (OSPC Chair) said the committee had a brief discussion on these two parcels. These two parcels are on the priority list and is worth doing more research and discussion. Ms. Gillespie then spoke as Chair of the CPC Committee. They had discussions on this property in the past to build a few housing units in the neighborhood using CPC money. There is a lot to be done and deserves thoroughly being looked at. Mark Possemato (Conservation Commission Chair) said the Board has not discussed this parcel in great detail and has not taken a position. He will make this a formal agenda item at their next meeting. Donna McDaniel speaking for the Southborough Historical Society said this parcel of land is historic and preserving it and including it in the historic treasures would be greatly desired. Whitney Beals (10 Chestnut Hill Road) has walked that property. He said portions of it are wet woodland and very conducive to hiking trails. He strongly supports further discussion of this and the possibility of protecting it as open space for the town. Atty. Wayne Leblanc representing the property owners is present to answer any questions the Board or residents may have. Ms. Phaneuf suggested to advance this to Town Meeting. Mr. Purple said there has been preliminary discussion with Town Clerk and Town Moderator on the availability of a Town Meeting sometime the last week of November. Marguerite Landry (134 Deerfoot Road) also speaking for about twenty surrounding households say that they do not support the town purchasing this property. The Board agreed to continue to the next meeting agenda.

6. Presentation of IMA with Town of Ashland for Supplement MWRA water-Karen Galligan, DPW Supt.

Ms. Galligan presented the final version of the IMA with the Town of Ashland. Ashland will make significant improvements to Southborough's water system in the amount of \$1.2M. These are improvements that the town would have to make in the future. The agreement also holds the Town harmless of any O&M costs of providing the water to Ashland. Mr. Shea made a motion to approve the IMA with Town of Ashland for supplemental MWRA water. Ms. Phaneuf seconded. All in favor (3-0)

III. Reports

1. Chairman's Report None
2. Town Administrator Report

- FY19 Capital Plan

Mr. Ballantine provided a quick overview of the capital plan. The capital plan incorporates several sections. He focused on the General Fund as this was the most important to develop the budget. For next year, the General Fund appropriation and possible future debt is about \$925,000 more which includes the PSB and includes all the money taken off the books for the schools. This increase amounts to about .38 cents tax increase on the tax rate

Mr. Purple reported that notification came back from Mass DOT and request for the heavy commercial exclusion for Deerfoot Rd and Parkerville Rd was denied. He also reported that he has continued to try to reach out to Ms.

Malley at National Grid and have not gotten any correspondence back regarding Mr. Parry's project.

IV. Consent Agenda

1. Approve Meeting Minutes: September 5, 2017
 2. Appoint Mary Mathon to Southborough Scholarship Committee, term 6/30/20
 3. Appoint Isabelle Murphy to Southborough Trails Committee, term 6/30/18
 4. Appoint Heidi Davis to Americans with Disabilities Act committee, term 6/30/18
 5. Appoint Donna McDaniel to Affordable Housing Trust Fund Committee, term 6/30/19
 6. Approve Common Victualer License for New Rose Garden
 7. Approve "Southborough Unscheduled" for March 15, 2018
 8. Approval Employment Agreement for Finance Director/Treasurer-Collector
- Ms. Phaneuf made a motion to approve item 8. Ms. Braccio seconded. All in favor (3-0)
Ms. Braccio provided an edit on Item 1, Under Chairman's report "spearheaded" should be assisted. Mr. Shea noted as amended and seconded. All in favor (3-0)
Mr. Shea made a motion to approve items 2 to 7. Ms. Phaneuf seconded.
All in favor (3-0)

V. Other Matters Properly Before the Board

1. Review of ad-hoc committee charge for disposal of 40 & 42 Central Street (Fayville Hall)
Mr. Shea asked for comments on the draft. The Board agreed to a 90 day term and also revising the duties to be the review of the RFP that is developed by the town. The committee that is comprised will be able to offer comments and feedback into wording of the RFP. Next step is to solicit an at large representative of the community which Mr. Purple will advertise tomorrow.

VI. Public Comment

David Parry (22 Main Street) talked about his visit to the Town of Hudson where the Main Street situates very tall relatively new poles with wires, cables and electrical wires going from these poles to the back of the building. He explained that this is what he is trying to propose to the Town regarding the Main Street Project.

VII. Meeting adjourned at 8:44pm

<p style="text-align: center;"><i>Upcoming Meetings</i> <i>October 3, 2017</i> <i>October 17, 2017</i></p>
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Submitted by Jenn Hom, Recording Secretary

List of Documents referred to at the Sept 19, 2017 BOS Meeting

- Legal Notice of Public Hearing dated September 5, 2017
- Petition for Verizon job
- Liquor License Alteration
- Notice of intent to sell from Glickman, Sugarman, Kneeland, & Gribouski
- Memo from Mark Purple dated September 14, 2017 re: IMA with Ashland
- Memo from Brian Ballantine dated 9/13/2017 re: Capital Plan
- Meeting minutes dated September 5, 2017
- Memo from Mark Purple re: FY18 Annual Committee Appointments

- Citizen Activity Form – Isabelle Murphy
- Citizen Activity Form – Heidi Davis
- Town Volunteer Form – Donna McDaniel
- Common Vitualler License Application for New Rose Garden
- Memo from Mark Purple dated 9/13/2017 re: Southborough Unplugged
- Employment Agreement re: Brian Ballantine- Finance Director
- Fayville Hall Disposition Committee Charge – Draft



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2017 NOV 22 P 12: 52

SOUTHBOROUGH, MA

Meeting Date: Tuesday, October 3, 2017, 6:30 pm

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Brian Shea, Bonnie Phaneuf, Lisa Braccio, Town Administrator, Mark Purple

Absent: Dan Kolenda

- I. **Mr. Shea, as acting Chairman, called the meeting to order at 6:30pm.** Mr. Shea wanted to recognize Fire Lieutenant Neal Aspesi for his assistance with hurricane relief in San Juan Puerto Rico. Mr. Aspesi was deployed for 19 days while serving as a Logistics Team Manager on the Massachusetts Task Force 1 Urban Search and Rescue Team. Lt. Aspesi was presented with a proclamation, thanking him for his service on behalf of the Board of Selectmen and Southborough residents.

II. **Scheduled Appointments** (*Board may vote*)

1. Continued Discussion of Notice of Intent to Sell for 135 Deerfoot Road parcel
Finance Director Brian Ballantine presented Community Preservation Commission ("CPC") funds and land acquisition financial options. CPC funding available for appropriation until 6/30/18 is \$255,703. If land acquisition is sought, Mr. Ballantine recommends doing so with CPC funding, not general funds.

CPC Chair Frederica Gillespie (present) summarized CPC meeting on 9/23/17 to support continued investigation of land purchase. On 9/26/17, CPC determined there would be adequate funds in CPA account to cover the bond, and voted to approve \$8,000 in CPC funds for the Board of Selectmen to hire a consultant. The funds must be used within 100 days of 10/3/17. Discussion was held regarding the possibility of entering into a legally binding agreement limiting developer to maximum 5 house limit (excluding existing house) in exchange for the Town not purchasing land.

Deerfoot Road residents (present) are in favor of the land being sold to and developed by Brendan Homes, and would welcome the small development. Historical Society Chair and Recreation/SHOPC Chair spoke on behalf of their boards being in support of going to Town meeting allowing vote to purchase.

Mr. Shea noted that initial notice of intent to purchase (as required when Chapter land is being sold) was received in late August, and the Board has only 120 days to respond. He feels they have very limited time to do a land study and call a special town meeting and is not in favor of a special meeting. Ms. Phaneuf said she doesn't feel there is time to do properly research, fund, etc. and would not be in support of purchase right now. Lisa Braccio would be in support of checking with Town Counsel to see if a 6-lot limit (including existing house) can be put in an agreement in exchange for non-purchase of land.

Attorney Wayne Leblanc, representing the Dowds, reminded that the Purchase and Sale is a condition between the land owner and Brandan Homes; it is not a condition of transaction, and would not be part of the deed. Also, there is a contingency that if the

developer cannot get approval for six lots, they are not required to purchase the property.

Ms. Gillespie noted that once the property is sold, the property owner has full discretion to develop that land to the full extent of the zoning code and 40B regulations.

The discussion has been continued to the Board's October 17 meeting.

Ms. Phaneuf motioned to accept \$8,000 CPC funds to hire a land consultant, to be spent within 100 days; Ms. Braccio seconded and motion passed, 3-0.

2. Brian Ballantine, Finance Director – Preliminary discussion of FY2019 Operational Budget.

Mr. Ballantine presented preliminary information for FY19:

- Free cash may be depleted by about \$350K for use toward FY19 budget.
- Reserve Fund is depleted.
- List of new initiatives for FY19 provided.
- Financing of Public Safety Building to begin in FY19.
- Increases in capital and debt obligations.
- Local revenue and local aid estimated to be level funded.
- Average resident tax bill could exceed \$10K.
- Department budget requests to be distributed and collected in November.

3. Interview for ZBA Alternate Position: Michael Robbins

Mr. Robbins (47 Deerfoot Road) was previously interviewed for a ZBA position in October 2016. A subsequent vacancy became available in July 2017 and he reapplied. Mr. Robbins summarized his background as a longtime resident that returned to Southborough in May 2016; he is a Real Estate Attorney specializing in commercial conversions. He was a member of the Grafton ZBA for four years before moving back to Southborough. The Board asked if he has any potential conflicts with current ZBA developments – he does not. If a conflict does arise, he would recuse himself. He never had to do so in Grafton.

The Board had a discussion about the position being advertised, and if other candidates from last year's interviews were contacted. Mr. Purple noted the only other possible candidate would be Mr. Green, who was emailed and was not interested in the position.

Ms. Braccio was contacted by some residents with concerns about lack of advertisement for the position. After some discussion, the Board agreed to advertise the position to allow additional volunteer forms, and make a decision at their next meeting of October 17th.

4. Roger Challen, RE: New Technology Committee Bylaw

Mr. Challen, along with previous Municipal Technology Committee Chair Claire Reynolds, recommended the Board reconsider their intention to extend the existing MTC appointments until 10/17/17, as two additional weeks will not be helpful. He suggests a 60-day extension to allow current members to assist with the transition.

The Board agreed to extend the MTC terms to December 1, 2017, and to form a selection committee along with the School Dept. and Library Trustees to interview candidates for the new committee.

III. Reports

1. Chairman's Report (by Mr. Shea on behalf of Mr. Kolenda)

- National Grid sent a letter to Mark Purple dated October 2, 2017 regarding the Main Street/Route 30 pole relocation proposals by the Town and Mr. David Parry. National Grid does not accept the proposals as viable options. The Board agrees no further action is necessary.

2. Town Administrator Report

- Fire Chief Joe Mauro's contract is due for renewal (expires 3/4/18). The Chief reached out regarding his interest to renew. Mr. Purple said he will meet with the Chief and bring the results of the discussion back to the board, or if preferred, the Board may choose to meet with the Chief directly.
- Regarding Committee vacancies, there is only one member currently on the Cable Advisory Committee, as well as around 57 vacancies on other committees. There is a dire need for a Cable Committee to be in place and very active for about 3-4 years for two contract renegotiations. A specialized attorney would be hired and in place to assist.
- There is no updated status for the Special Act regarding St. Mark's land exchange. Mr. Purple will continue to push for progress. The timeframe for building is not yet being affected, as the Public Safety Building Committee is moving forward with design and plans over the next few months.

IV. Consent Agenda

1. Approve Meeting Minutes: September 19, 2017
2. Extend Municipal Technology Committee and Economic Development Committee appointments to October 17, 2017.
3. Accept donations of \$224.00 for Southborough Youth and Family Services
4. Appoint Laura Bertonazzi to Southborough Scholarship Advisory Committee, term 6/30/20.
5. Appoint to Southborough Cultural Arts Council:

Louise Clough	Term: 10/22/17-10/22/19
Jane Gordon	10/22/17-10/22/19
Kimberly Denise Galbraith	10/3/17-10/3/19
Gloria Linden	10/3/17-10/3/19
Kayla R. Monzack	10/3/17-10/3/19
Mary Piekarz	10/3/17-10/3/19
Jennifer Pullen	10/3/17-10/3/19
Kimberly Regan	10/3/17-10/3/19
Catherine Weber	10/3/17-10/3/19

Mr. Shea made a motion to approve consent agenda items 1-5, with a modification to extend MTC to 12/1/17; Ms. Braccio seconded. Items 1, 2, 3, and 5 voted all in favor (3-0). Item 4 voted in favor (Mr. Shea and Ms. Braccio – yes; Ms. Phaneuf abstained).

V. Other Matters Properly Before the Board

1. Draft Charge for Golf Course Conservation Restriction was reviewed. Mr. Purple communicated a request on behalf of Mr. Kolenda (absent) for appointments be held until the October 17th meeting. Ms. Braccio suggested amending first description of "Duties" to add working with Town Counsel and Special Counsel; Board in agreement. Brief discussion held re: number and representation of members in the charge. Mr. Shea moved to approved charge as amended; motion was seconded and voted in favor (3-0). The Board agreed to hold appointments to the committee until their October 17 meeting.

VI. Public Comment

None.

- VII. On a motion made by Ms. Phaneuf, seconded by Ms. Braccio and voted all in favor, the meeting was adjourned at 8:45pm**

<p><i>Upcoming Meetings</i> <i>October 17, 2017</i> <i>November 8, 2017</i></p>

Respectfully submitted,

Lori Esposito, Executive Assistant

List of Documents referred to at the October 3, 2017 BOS Meeting

- B. Ballantine presentation titled "Town of Southborough Community Preservation Funds & Land Acquisition Options"
- Letter from CPC re: approval of funds to research Dowd Property
- Letter from OSPC re: Dowd Property
- B. Ballantine presentation titled "Fiscal Year 2019 Budget Introduction".
- Citizen Activity Form – Michael A. Robbins
- Draft meeting minutes from 9/19/17 BOS meeting
- Donation letter from Southborough Youth and Family Services
- Citizen Activity Forms for Cultural Arts Council appointments
- Draft Golf Course Conservation Restriction Charge

BOARD OF SELECTMEN
October 17, 2017
McAuliffe Hearing Room
17 Common St, Southborough, Massachusetts

RECEIVED
TOWN CLERK'S OFFICE
2018 DEC -6 P 12:46
SOUTHBOROUGH, MA

Present: Dan Kolenda, Brian Shea, Bonnie Phaneuf, Lisa Braccio; Mark Purple, Town Administrator.

The meeting was called to order at 6:30 p.m.

Police staffing: Chief Paulhus came before the Board seeking permission to add an additional part time dispatcher; he recommended Austin Chapski be appointed. The Board voted 4-0 to appoint Mr. Chapski who will be compensated at Grade 9 of the SAP, \$14.72 per hour.

Senate Counsel update: Mr. Purple briefed the Board on the legislation required for the transaction to purchase the golf course, following the approval by Town Meeting. Mr. Purple noted that Section 3 language was added "to take effect upon its passage." Given the fact that the Town wishes to expedite the matter, the Board voted 4-0 to have the Town Clerk certify the Board's vote of this evening as provided in the documentation dated October 17, 2017.

Consent agenda: The Board voted 4-0 to approve Items 1 through 6.

1. Appoint Jennifer Hansen to Southborough Cultural Arts Council, term 11/5/17-11/5/19
2. Appoint Chelsea Bradway-Francis to Southborough Cultural Arts Council, term 10/17/17-10/17/19
3. Accept \$500.00 donation for Fayville Playground Project
4. Appoint Michael Robbins to Zoning Board of Appeals Alternate position, term 6/30/18
5. Appoint Mary M. Mathon to Southborough Scholarship Advisory Committee, term 6/30/20
6. Approve November 7, 2017 Election Warrant

Town Administrator report: November 1 Candidates Forum will take place at the Library

Board reports:

- Selectman Braccio announced a Puerto Rico relief drive coordinated with Puerto Rico Rises. It will be held at the Southborough Senior Center lot on October 21, 2017.
- The Board agreed to Selectman Braccio's proposal to launch a Southborough to Southborough sister city program with the School department.

Tax Classification Hearing: The Board received a presentation on the value of the Town's parcels, the structure of taxable property and the revenue generated from property taxes with an average tax bill of just below \$10,000. The Board of Assessors recommended continuing with a single tax rate, which helps small towns recruit new businesses and maintain the current business community. The Board voted 4-0 to support a single tax rate and set the tax rate at \$16.14.

Municipal Aggregation/Peregrine Energy: The Board heard a presentation related to procuring an electric supply aggregation program. Residents will be allowed to opt out if they choose. The Town would lock in a supplier with a price through this program. Other towns are also procuring rates; 15

towns have gone through the process recently. Bid results show rates that are below the supply rate. The Board delegated Mr. Purple and one selectman to finalize the required documents.

Committee Appointments: The Board discussed and deliberated upon multiple appointments on several board and committees.

Economic Development Committee: David Parry withdrew his name from consideration. Further, the Board was informed Kelli Wentzell cannot serve as she is not a town resident. Under its new permanent structure, it was noted EDC has 9 voting members. There are 6 sitting members who wish to remain. There need to be 3 staggered year terms. Mr. Estrada and Mr. Wood have volunteered to join the Committee. The Board voted 4-0 to appoint John Wood and agreed to interview Mr. Estrada at another meeting.

The Board voted 4-0 to set the following terms for these individuals:

3 year term: David McCay, Julie Connelly, John Wood

1 year: Claire Reynolds

The Board discussed whether there should be a representative from the Board of Selectmen. This seat should be under the one-year term. Going forward, all terms will be three year terms. The Board voted 4-0 to appoint Dan Kolenda as the BOS rep.

Golf Course Conservation Restriction Committee: The Board voted 4-0 to appoint the following residents. Term to expire Jan 1, 2018.

- Frederica Gillespie
- Ben Smith
- David Candella
- Andre Fortin
- Edward Pearson

Fayville Hall Disposition Committee: The Board voted 4-0 to appoint the following residents:

- Kyle Decubellis
- Sujal N. Bhalakia
- Kristen Lavault

Term will expire 90 days from appointment. SHOPC is working to delegate a member from their board.

Recreation Commission: There were two volunteers: Jennifer Hansen and Luisa Vargas. The Recreation Commission voted to recommend Ms. Hansen. There was another volunteer who was subsequently appointed to another committee. The Selectmen interviewed Ms. Vargas this evening. The Board then spoke with Ms. Hansen who has been an active member of the Arts Council. Chair Brian Shifrin from the Recreation Commission, urged the Board to appoint Ms. Hansen. The Board voted to appoint Ms. Hansen to Recreation [term though June 30, 2021] and Ms. Vargas to the Trails Committee [term through June 30, 2019].

135 Deerfoot Rd: This property is for sale and the Town could purchase it for \$1.9 million. If the Town waives their right of first refusal, Brendan Properties will purchase and develop a portion of the land.

Previous discussions illustrated a consensus that CPA funding could serve as a potential funding source. Ms. Gillespie, Chair of CPC, noted that they can only bond against the surcharge. She anticipates bonding at 65% of the surcharge; this shows that there is money to cover the years ahead but makes their funding allocation for other projects very tight. Ms. Gillespie advocated for purchasing the land using general CPA uses, with restrictions at a subsequent town meeting to define what those restrictions are [housing, open space, historic preservation]. She further noted that the draft warrant article has been reviewed very informally by the CPC with a request it be reviewed by Town Counsel. Mr. Kolenda is not in favor of purchase or a special town meeting. Mr. Shea sees many obstacles, including the availability of CPA funds which have declined over the years; he does not advocate for a special town meeting either. Mr. Kolenda made a motion to not exercise the town's first right of refusal. Ms. Phaneuf noted a final warrant article is needed quickly so all parties can weigh in and determine if a special town meeting is warranted. The Board tabled this vote in anticipation of further analysis.

Policy: The board voted 4-0 to accept the committee volunteer policy.

The meeting adjourned at 9:10 p.m.

Submitted by Vanessa D. Hale, Asst Town Administrator.

Documents referred to during the meeting:

- Pole Petition legal notice and signatory documents from Verizon
- Presentation slides for tax classification hearing
- Memo from Economic Development Committee
- Memo from Chief Paulhus re: Chapski appointment
- Committee appointment spreadsheet
- Dowd: notice of intent to sell property, Planning Board memo

- Hansen, Mathon & Robbins committee form
- Bradway committee application
- Fayville Playground Project donation letter
- Nov 7, 2017 Election Warrant



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFFICE

2017 NOV 22 P 12: 52

SOUTHBOROUGH, MA

Meeting Date: Tuesday, October 27, 2017, 7:30 am

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Daniel Kolenda, Brian Shea, Bonnie Phaneuf, Lisa Braccio, Town Administrator, Mark Purple

Absent:

I. **Chairman Kolenda called the meeting to order at 7:30 am.**

II. **Consent Agenda**

1. Facilities Department bid results for new septic system installation at Town House; award contract

Facilities Director John Parent provided the Board with bid results as well as a recommendation letter to award the contract to Maffei Excavating & Septic LLC, the lowest qualified bidder.

Motion was made to award the contract as recommended by Mr. Parent; seconded and voted in favor (4-0).

III. **Discussion (vote may be taken)**

1. Continued discussion of Notice of Intent to Sell for 135 Deerfoot Road Parcel

Town Administrator Mark Purple updated the Board: the owners allowed the Building Inspector, Conservation Commission and others to walk the property. Also, a letter was received from Deerfoot Road residents asking the Board not to exercise its right to purchase, and to allow the contractor to move forward with purchase. The detail "vote may be taken" on this agenda was due to the Community Preservation Commission requesting a vote from the Board of Selectmen so they can move forward to consider a vote for funding at their upcoming meeting on November 2nd.

A discussion was held relative to managing the property and/or selling if purchased by the Town. Ms. Phaneuf asked if a warrant article could mandate that additional town meeting vote would be required to develop, modify or sell the property. Town Counsel Cipriano confirmed that it could be done. Brian Ballantine cautioned that the bonding would need to be satisfied before property could be sold, which would take about two years. Maintenance costs would include major modifications to the house if sold/occupied, as well as insurance coverage.

Since the discussion at the last meeting, several answers have been provided by Town Counsel:

- Cannot place conditions on right of first refusal. The right is simply for the municipality to exercise interest in purchase, and must substantially conform to the offer already being made.
- The Town may proceed with Phase I of 21E process.
- Limits on selling due to bonding.
- Maintenance and insurance cannot come from CPA funds.

Lisa Braccio asked if purchased, could the Town maintain as a rental, lease, etc. without selling. Mr. Purple responded there may be a way, but as a rule, Towns make terrible "landlords". Mr. Robidoux added that there would be substantial costs, as major code and safety updates would be needed.

Advisory Board Chair, Mr. Adrian Peters, was present. Mr. Kolenda asked him if Advisory has discussed/voted or has anything to add. Mr. Peters said they did not discuss financing, but did see figures provided by Mr. Ballantine re: CPC funds. It's too premature for the Advisory Board to consider.

Mr. Purple asked if the Board will be requiring and additional information before their next meeting on November 8th. They do not.

Mr. Purple asked if the Board would like to pursue Phase I of 21E process. The Board is in agreement to pursue.

Ms. Phaneuf said Southborough Housing Opportunity Partnership Committee discussed at a recent meeting and asked about an appraisal. Mr. Shea suggested and the Board agreed that if this goes to a Special Town Meeting, an appraisal should be done, but not prior. Ms. Gillespie added that if the appraisal is returned at less than the existing purchase and sale price, CPC cannot fund anything above the appraisal amount.

IV. Other Matters Properly Before the Board

None.

V. Public Comment

None.

VI. On a motion made by Mr. Shea, seconded by Ms. Phaneuf and voted all in favor, the meeting was adjourned at 8:00 a.m.

<i>Upcoming Meetings</i> <i>November 8, 2017</i> <i>November 21, 2017</i>

Respectfully submitted,

Lori Esposito, Executive Assistant

List of Documents referred to at the October 3, 2017 BOS Meeting

- Contract for Maffei Excavating & Septic LLC to install new septic system at Town House
- Recommendation letter from John Parent, Director of Facilities

**BOARD OF SELECTMEN
NOVEMBER 8, 2017
MCAULIFFE HEARING ROOM
17 COMMON ST, SOUTHBOROUGH, MASSACHUSETTS**

RECEIVED
TOWN CLERK'S OFFICE
2018 DEC -5 A 10:29
SOUTHBOROUGH, MA

Present: Brian Shea, Lisa Braccio, Bonnie Phaneuf, Brian Shifrin. Mr. Kolenda joined the meeting at 8:10 p.m.

Mr. Shea called the meeting to order at 6:30pm.

Class 1 license: Counsel for Volvo was present to answer questions on the transfer to AMR Auto Holdings. Mrs. Phaneuf asked about use of abutting property. Volvo said it is part of the lease to store cars on the adjacent property [the Andrea restaurant]. The parties agreed to clean up the property. The Board voted 5-0 to approve the Class 1 license as submitted.

Police Appointment: Chief Paulhus sought the appointment of Cameron Chapski as a Full-Time Student Police Officer. He has not been trained at the police academy yet so Mr. Chapski would need to go right into academy training. He is a town resident and currently a full-time Communications Officer and is a graduate of Algonquin Regional High School. The Board voted 4-0 to appoint him as a student officer who will transition to a Step 1 full time officer after academy completion.

Flagg Road traffic update: DPW Director Ms. Galligan updated the Board on the completed traffic study. It was determined some traffic calming was needed. Ms. Galligan summarized facts from the report that included the following:

- Flagg Road carries a weekday average of 985 vehicles.
- Speed Limit is 25mph
- 85% of all vehicles are traveling 34 mph

The Board deliberated on this matter and noted Installing sidewalks is expensive and difficult in this neighborhood in addition to there being many other roads that should also be considered simultaneously. Ms. Braccio was in favor of a group of residents formulating options from the neighborhood perspective to bring forward at a later date.

Resident comments included:

- The yellow lines drive cars to the edge of the road which can be more dangerous
- Support for making Flagg Road one-way
- Recommending the Town reconstruct the triangle behind Trottier School so large 18 wheelers cannot fit through the school zone area; it is a state protected scenic road

The Board took the report and associated comments under advisement.

135 Deerfoot Road: Mr. Purple summarized the comments from residents on this project, ranging from passing on the property to calling a special town meeting to make the decision on whether to exercise the first right of refusal. Phase 1 environmental report has been done. Highlights included:

- Site not listed with DEP in their databases
- No soil conditions or water issue known
- 2 tanks on the site, one above ground and one buried below ground [both should be removed]
- It is a residential, agricultural site from 1840's
- Data gaps, but records show a small orchard in aerial photos from 1938-1952. Pesticides with arsenic were commonly used. Agricultural waste materials were often disposed on farm sites and may still be present
- Buried tanks outside that are old may mean leakage; excavating around and removing the tanks would be the responsibility of the Town if they purchased the land.

Mrs. Phaneuf is uncomfortable with these findings and no appraisal and cannot support proceeding to a town meeting. Mr. Shea is also not in favor of acting on this property, stating the golf course is a priority. Use of CPC funds for this parcel is unnecessarily adding to maintenance required for town properties. Mr. Kolenda echoed the golf course priority level, as it is the gateway to the community. Ms. Braccio does believe the citizens should make the decision since they put their money into CPA funds and supports sending it to a town meeting. Mr. Shifrin has concerns after reading the environmental report. However, he prefers to send it to a town vote. Mr. Kolenda motioned to not exercise the first right of refusal, it was seconded. Motion carries 3-2.

Reports:

- Town offices will be closed on November 10, 2017 to observe Veterans Day. The Transfer Station will be closed on November 11, 2017.
- The Town Administrator will have signatory authority for the Public Safety project in between Selectmen's meetings, as needed

Consent Agenda: The Board voted 4-0 to approve the Consent Agenda:

- Approve Meeting Minutes: August 17, 2017
- Accept PILOT payment of \$52,036 from New England Center for Children
- Accept donations to Recreation Commission for Fayville Playground Project:
 - \$17,134.30 from Southborough Parents
 - \$500.00 from Southborough Rotary Club
- Reappoint Jennifer Pullen to Southborough Cultural Arts Council, term through 11/8/19
- Approval of Projects Related to Green Communities Funding
- Award contract for Replacement of Fuel Tanks at Public Works

- Approve expenditure from Water Reserve Fund – Woodbury Road intersection

Technology Committee interviews: The Board discussed meeting jointly with the School Committee and Library Trustees [or a delegate from each] to interview committee applicants

Public Comment: Mrs. Barron asked about the lights on Choate field and stated \$400,000 was paid to someone and the lights are not working. The question was deferred to Mrs. Galligan who will reach out to Mrs. Barron.

She also read aloud an e-mail from Mr. Kolenda relating to the election for a new selectman. She felt the email was inappropriate and at that he should not endorse any candidate. Mr. Kolenda said [during public comment] this discussion was out of order. He told her he sent emails in his individual capacity and he would discuss the matter with her after the meeting in his individual capacity.

Mr. Hegarty spoke about Election Day and re-iterated that state statute requires all campaigners be 150 feet away from the poll. He thanked Trotter Principal Keith Lavoie for collaborating so well.

Mrs. Shimkus has a transparency question and spoke about the Choate Field project. She feels there was a procurement lapse and asked that the resolution be reported back to the public. She further inquired why an agenda was posted with no reason listed for executive session.

The meeting adjourned at 9:15 p.m.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

Documents used during the meeting:

- Meeting Minutes: August 17, 2017
- Class I notice and related hearing documents
- Memo from Chief Paulhus re: Chapski appointment
- Letter re: PILOT payment from New England Center for Children
- Donation letters from Recreation Commission for Fayville Playground Project:
- Application from Jennifer Pullen to Southborough Cultural Arts Council [re-appointment]
- Approval memo Re: Green Communities Funding
- Memo/documents re: awarding contract for Fuel Tanks at Public Works
- Presentation slides on Flagg Road
- Memoranda on Deerfoot Road



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

REVISED MINUTES

RECEIVED
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2018 JAN 11 A 9:19

SOUTHBOROUGH, MA

Meeting Date: Tuesday, November 21, 2017, 6:30pm

Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA

Present: Daniel Kolenda, Brian Shea, Lisa Braccio, Brian Shifrin, Bonnie Phaneuf (arrived at 7:15pm),
Asst. Town Administrator, Vanessa Hale

Absent:

I. **Chairman Kolenda called the meeting to order at 6:30 pm.**

II. **Scheduled Appointments**

Interview process for Technology Committee: Supt. Christine Johnson, Paul Desmond (School Committee), and Terry Ryan (Library Trustee) were in attendance to discuss a joint Interview process for Technology Committee appointments. The Board of Selectmen has two appointments to the Committee, the School has two, and the Library has one.

Supt. Johnson proposed a selection committee to collaboratively review, conduct interviews, and then recommend to the individual boards for their appointments. The Board of Selectmen appointed the Finance Director Brian Ballantine as their representative on the selection committee; the School rep. will be Mr. Desmond; the Library rep. will be Mr. Ryan.

Mr. Timothe Litt (148 Woodland Road) noted that the banner on the Town website recruiting volunteers has a broken link, and recommends fixing and extending the deadline for interested volunteers once corrected. The Board agreed; deadline is extended to December 8th. Ms. Hale will have the IT Manager address the website error immediately.

Joint Meeting with Personnel Board

Personnel Board members Liz Henry-Veeneman (Chair) and Betsy Rosenbloom were present to discuss proposed FY19 changes to the Personnel Bylaw ('SAP'). The proposed changes were presented to the Board of Selectmen for their information and opinions/questions.

Ms. Rosenbloom has been working closely with Town Administrator Purple, Asst. Town Administrator Hale, and a labor attorney in revising the SAP. Ms. Rosenbloom explained that they will not be seeking a title change for the Assistant TA. The labor attorney noted that it would conflict with the Town Administrator's job which identifies him as the Personnel Director; he may however, delegate such duties to the Assistant TA, Ms. Hale.

As a result of working with the SAP Working Group, the Personnel Board has voted to approve and implement changes based on the 2015 compensation study. The final phase, to adjust employee salaries based on longevity, will require \$42K to complete.

Mr. Shea is glad to see details prior to Annual Town Meeting, and hopes that by the April meeting, there will be no reason to run into the same problems of being unprepared as at this year's annual meeting. Ms. Hale said that Personnel Board is meeting much more frequently, and will be prepared for Annual Town Meeting.

Mr. Shifrin would like to have a recap of why the SAP changes didn't pass at this year's meeting, and would like to be sure the issues are addressed. Also, he finds it problematic that next year's budget holds a correction from a 2015 study.

Ms. Braccio commended Ms. Rosenbloom for her hard work in moving things forward. She identified problems last year and has stepped forward in committing her time and effort to help correct the issues. She also commended Ms. Hale for her role in working with Ms. Rosenbloom.

Mr. Kolenda asked about the possibility of a merit-based pay increase system; he would like to see our best employees compensated accordingly. Ms. Henry-Veeneman said the Personnel Board identified this as a need, but it cannot be addressed until the SAP revisions are completed. There are several other issues in line as well, and it may not happen this year. Mr. Kolenda asked that it be their focus for next year. Also, he would like to see a redlined comparison of the SAP changes well in advance of the Annual Town Meeting, as well as having copies available to the public at the meeting.

III. Reports

Report of the Chairman

11th Annual Gobble Wobble, sponsored by Recreation Dept., is Thanksgiving Day. Residents encouraged to participate.

Report of the Assistant Town Administrator

- Transfer station will be closed Thanksgiving Day and the Friday after.
- Municipal Aggregation cost bids have been received. The rate is 10.8 cents, which will remain competitive over the course of the contract. The vendor will be reaching out to residents with information.
- There is a vacancy on the Personnel Board, which is a moderator appointed position.

IV. Consent Agenda

1. Approve Meeting Minutes: October 3, 2017, October 27, 2017
2. Appoint Brian Shifrin to the Affordable Housing Trust Fund Committee
3. Reappoint Luisa Vargas to Southborough Trails Committee, term 6/30/18
4. Reappoint Chelsea Bradway-Francis to Southborough Cultural Council, term 11/21/17-11/20/19
5. Accept PILOT payment of \$22,615.00 from Harvard Medical School
6. Accept donation of \$500.00 from St. Mark's School toward Fay Memorial Playground
7. Accept donations totaling \$1600.00 for Southborough Youth and Family Services

Chairman Kolenda read the consent agenda items and motioned to approve items 1 through 7; motion seconded and voted all in favor (4-0-0)

7:15 PM: Bonnie Phaneuf arrived.

Scheduled Appointments (cont.):

Recreation Commission Five-Year Plan

Commission members David Candela and Kristin LaVault were present along with Director Doreen Ferguson. A presentation showing the results of Pare Corp.'s facilities study and Master

Plan for Recreation over the next 5 years (Recreation will add the presentation to their website). Over \$1M will be proposed for warrant articles for the 2018 Annual Town Meeting. Total of proposed project through summer 2020 is \$4.05M. None of the projects have been included on the Town's Capital Plan, so the Commission is hoping the supplement the funding through sponsorships, etc. Projects identified include field repairs, updates and the installation of a new turf field. Although the entire study recommended several millions, the Commission focused on short term needs.

Bonnie Phaneuf noted that the Lundblad field was transferred to the control of the schools in 1998 (per articles on Annual Town Meeting warrant), so why is it included in this plan for the Town's capital? Must be answered before town meeting. Lisa Braccio asked how the field got to the poor condition they are in. Ms. Ferguson said the DPW maintains the fields with a budget of \$90K, which covers only basic maintenance. Also, the fields are not allowed to rest between uses. Ms. Braccio asked if the use fees are going toward maintenance of the fields. Ms. Ferguson said no, the funds go directly into the Town's General Fund. Ms. Braccio would like to see a proper budget proposed for maintenance needs.

Residents spoke in support of improving and adding new fields. The condition of the existing fields is deteriorating rapidly.

Resident Timothe Litt said the slides read as a wish list, not a master plan, and it does not include ongoing maintenance costs. Sam Stivers (speaking as resident, not on behalf of Advisory Committee) expressed concern regarding the process - the Advisory Committee received about \$2M in capital requests, which we could afford, and now that number has doubled to \$4M with Recreation's requests. When Advisory was reviewing upcoming capital needs recently, Recreation was asked but said they had nothing to submit. He is disappointed that this was not on the radar for Advisory's information. Ms. LaVault said it was not intentional, could have been a timing issue.

The Board thanked the Commission for work on the study and presenting the results.

V. Other Matters Properly Before the Board

Chairman Kolenda read a summarized update of the purchase and sale of St. Mark's Golf Course, which will be posted on the Town website in the morning.

VI. Public Comment

None

VII. On a motion made by Daniel Kolenda, seconded by Lisa Braccio and voted all in favor, the meeting was adjourned at 8:26pm.

<p><i>Upcoming Meetings</i> <i>December 5, 2017</i> <i>December 19, 2017</i></p>
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Respectfully submitted,

Lori Esposito, Executive Assistant

List of Documents referred to at the November 21, 2017 BOS Meeting:

- Procedural proposal from School Committee re: MTC appointments
- Salary Administration Plan Proposed Revisions for 2018
- Citizen Activity Form, Suzanne L. Duca
- Southborough Recreation Commission Facilities Study and Master Plan Presentation
- Draft minutes: 10/3/17 and 10/27/17
- Letter from Harvard Medical School re: PILOT payment
- Memo from Recreation Director Doreen Ferguson re: \$500 St. Mark's Donation
- Memo from SYFS Director Sarah Cassell re: \$1600 in donations.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
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2018 FEB 14 A 9:20
SOUTHBOROUGH, MA

Meeting Date: Tuesday, December 5, 2017, 6:30pm
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Daniel Kolenda, Brian Shea, Lisa Braccio, Brian Shifrin, Bonnie Phaneuf, Town Administrator
Mark Purple
Absent:

I. **Chairman Kolenda called the meeting to order at 6:30 pm.**

II. **Scheduled Appointments**

Project Update from Public Safety Building Committee ('PSBC'): Jason Malinowski (Chair, PSBC) was present to give update of project. The Planning Board meeting next week will be addressing concerns re: driveway access and lighting. Two access driveways versus one will be evaluated; Police Chief and Fire Chief have safety and liability concerns with one driveway. 30-50% of the construction drawings are complete. Consultant and OPM estimates for project are about \$200K difference in cost; the building cost is within \$44K of estimate presented at the Annual Town Meeting. Site work estimate is \$1.4M higher than presented, but the committee has a list of changes that would result in over \$1.4M savings. Total budget is \$22.6M (less \$2M contingency – plan is to not use at this point in project), bids may come in lower than estimates. Bond counsel advised that the only budgeted golf course cost allowed under the ATM article is the actual movement of the clubhouse structure on the parcel – nothing more. This leaves about \$300K additional expense to be considered. It would be in Town's best interest to bundle the work into the overall bid, but the cost is not in the PSB budget. \$400K budgeted for traffic signaling; traffic study still being reviewed, but a full traffic light is not expected, possibly an emergency only signal which would cost much less.

Brian Shea asked if the safety signal could be included as part of the Main Street project – Karen Galligan (present) said she already looked into it, but not allowed because it's outside the limits of the Main Street work. Bonnie Phaneuf asked when the plan would include the Conservation Restriction ('CR'); Mr. Malinowski said the plan stops at the holes. Mr. Purple added that the architect is trying to balance the needs, but challenge with two significant projects happening simultaneously.

Fire Chief Mauro (present) said he and Police Chief Paulhus are opposed to a single driveway which would be shared by large firetrucks, emergency vehicles, school busses and other traffic. There are concerned about safety, sharing a driveway with school buses, particularly at school start/release times.

Kathy Cook (speaking as resident, not Advisory Member) questioned the validity of bond counsel's opinion re: spending funds to move golf course clubhouse; she believes that ATM article will allow spending for relocating the clubhouse. Ms. Cook recommends going back to bond counsel to clarify, since funds will be needed in January/February to begin golf course work. John Rooney (PSBC member) agrees that costs would be within the purview of ATM article. He also asked that the BOS remain true to the conditions that supported the passing of the article, and keep the citizens' wishes in mind re: keeping the golf course operational. Mr. Purple and Mr. Ballantine will get in touch with bond counsel to clarify.

Timothe Litt (48 Woodland Road) recalls that it was made clear at Annul Town Meeting that the budget estimate was for Public Safety Building only, nothing was included for the golf course. Concerned that funds voted for building are being considered for the golf course.

Heidi Davis (20 Lovers Lane) – Discussion of Impact of 5G Telecommunications Expansion:

Ms. Davis reviewed her presentation, reminding that she is not an expert, but a concerned citizen. 5G monopole technology ('DAS' – Distributed Antenna System) being proposed across the state uses radiation. Implementation of the technology would require a 30' tower for every 12 homes, and would bypass local zoning authority. There has been growing opposition across the U.S., citing potential impact on property values, resulting in lost revenue for Towns. Regarding public safety impact, studies find that wireless radiation causes cancer after prolonged use, with children being more vulnerable. Wireless EMR (Electromagnetic Radiation) can trigger disabilities due to wireless sensitivity. Ms. Davis proposes that the town look at what other municipalities are doing to tighten the bylaws while responsibly implementing new technology.

Chairman Kolenda thanked her for bringing this topic to the attention of the Board. He suggests she also get in touch with State Representative Dykema, and possibly the Planning Board to tighten existing bylaws. Timothe Litt noted that the Municipal Technology Committee, once in place, may have input on the subject. He feels the Town needs to be cautious before citing the technology as a health hazard, without information from peer review journals and studies, and to consult experts before reacting.

John Parent, Facilities Director – Project Updates:

The new septic system at Town House is installed and running. Will need reserve fund transfer to cover cost of patching, but entire lot will be repaved in the spring. Overall cost ≈\$80K. The buildout for Southborough Youth Family Services at South Union Building is near complete; occupancy expected around beginning of next year. Work on Green Community properties is continuing with weather sealing and insulation. Mr. Kolenda asked about the status of new windows at the Town House; Mr. Parent is still working on a plan with ESCO. Ms. Phaneuf acknowledged the amount of time and work Mr. Parent has been spending on assisting the Fayville Hall Disposition Committee.

Annual Renewal of Alcohol, Class I, II, Common Victualer, Entertainment and Amusement licenses for 2018:

Mr. Purple requested that the Board table the St. Mark's Golf Course Alcohol and Common Victualer licenses until the property is closed and the management contract is awarded.

Mr. Kolenda motioned to approve all remaining license renewals as provided on the list in the packet dated 12/5/17; motion seconded and voted all in favor.

III. Reports

Report of the Chairman

Chairman Kolenda offered Ms. Phaneuf to update the Board regarding the status of the Golf Course Conservation Restriction Committee. Ms. Phaneuf said it's in progress, still a few missing pieces; need to identify other location areas for the building. Next meeting is Monday. Mr. Purple anticipates getting information from the architect by early next week, and will communicate to Ms. Gillespie (Golf Course CR Committee Chair). Mr. Kolenda said he spoke with Town Counsel Cipriano, who is concerned that members of the Golf Course CR Committee are

going against his legal guidance regarding the holder of the CR. Att. Cipriano believes it is in the Town's best interest if the Conservation Commission holds the CR in conjunction with another entity.

Report of the Town Administrator

Discussion re: budget update will be on the 12/19/17 agenda. Budget requests are being received and reviewed. Mr. Purple will update the Board next week for their review in advance of the meeting. Ms. Phaneuf asked about the budget review process, and if prior to meeting with the Board of Selectmen, are cuts discussed. Mr. Purple said at next week's department head meeting, he will present an overview of the changes. Cuts are needed and he depends on the departments to offer cuts where possible.

Adrian Peters, Advisory Committee Chair, said that he has had excellent cooperation with Mark. They discussed a possible joint meeting when the budget is presented. The Advisory Committee plans to join the BOS meeting on 12/19/17.

IV. Consent Agenda

1. Appoint Council on Aging:
 - a. Alternate Member Carol Yozzo as Full Time Member; term through 6/30/19
 - b. Alternate Member Vincent Acampora as Full Time Member; term through 6/30/20
 - c. Joyce Macknauskas to Alternate Member; term through 6/30/18
2. Approve request from Recreation Commission to increase FY19 Revolving Fund spending

Chairman Kolenda motioned to approve consent agenda item #1; motion seconded and voted all in favor (5-0).

Regarding agenda item #2, Town Accountant Heidi Kriger and Finance Director Brian Ballantine both believe this an appropriate request and recommended approval. Mr. Kolenda motioned to approve Recreation Commission Revolving Fund spending as requested in Doreen Ferguson's memo. Mr. Shea asked if revolving fund spending is limited to a certain percentage of the balance. Mr. Kolenda amended his motion to be contingent upon the spending being within requisite limits; if not, their vote is nullified. There was no second for the amended motion. Mr. Shea asked this be continued to the next meeting, to be considered once the information is obtained. Ms. Phaneuf asked what the additional \$301K was to be spent on; the funds are not for specific projects, rather to offset costs incurred to date from such.

V. Other Matters Properly Before the Board

None

VI. Public Comment

Timothe Litt (148 Woodland Road) asked for an update on the status of the Municipal Technology Committee. There is nothing additional to date.

VII. Executive Session

At 8:42pm, Mr. Kolenda motioned that the Board enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not return to Open Session per Exemption #2, to conduct strategy sessions in preparation for contract negotiations with non-union personnel: Fire Chief. The roll call vote was recorded as follows: Daniel Kolenda – yes; Brian Shea – yes; Bonnie Phaneuf – yes; Lisa Braccio – yes; Brian Shifrin – yes.

<p><i>Upcoming Meetings</i> <i>December 19, 2017</i> <i>January 2, 2018</i></p>

Respectfully submitted,

Lori Esposito, Executive Assistant

List of Documents referred to at the December 5, 2017 BOS Meeting:

- Telecommunications 5G Antenna Streamlining Community Impact presentation, prepared by H. Davis
- Calendar Year 2018 License Renewals/Presented for BOS Approval 12/5/17, prepared by Lori Esposito 11/30/17
- Letter from Bill Harrington, Council on Aging re: appointments
- Letter of resignation: William Yetman
- Town Volunteer Form: Joyce Macknauskas
- Memo dated 11/30/17 from Recreation Director Doreen Ferguson for Revolving Fund spend increase

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2019 JAN -31 A 1:09
SOUTHBOROUGH, MA

**BOARD OF SELECTMEN
EXECUTIVE SESSION
December 5, 2017
McAuliffe Hearing Room, 17 Common Street, Southborough**

Present: Dan Kolenda, Chairman; Bonnie Phaneuf, Lisa Braccio, Brian Shea, and Brian Shifrin.

Also present: Mark Purple, Town Administrator.

The Board entered Executive Session by unanimous roll call vote (5-0-0) at 8:45 pm to discuss a renewal agreement for the Fire Chief.

[REDACTED]

The Board voted to adjourn the meeting at 9:12pm by unanimous roll call vote, 5-0-0.

Submitted by Mark Purple, Town Administrator

Documents used in the meeting:

- None

**Board of Selectmen
December 19, 2017
McAuliffe Hearing Room**

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2018 FEB 14 A 9:20
SOUTHBOROUGH, MA

Present: Daniel Kolenda, Brian Shea, Lisa Braccio, Brian Shifrin, Bonnie Phaneuf.

Bond notes: This amount [\$7,760,000] consists of the known costs of the public safety project. The Board voted 4-0 to approve the short-term notes as described. The interest rate was 1.30%. These short term notes will appear on the FY19 tax bills.

Purchase of Golf Course: The Board voted 5-0 to authorize Town Counsel to take any action as necessary, such as closing documents and pertinent paperwork to complete the Town's purchase of the St. Mark's golf course.

Land Exchange agreement: Due to failure of the septic system, The Town asked for a credit on an estimate of \$50,000 which St. Marks will credit back to the Town. The Town Health Agent said no other testing will be needed on any other systems on the property. St Mark's wants to allow their golf team to use the property after closing, for the duration of their Spring 2018 semester, at same rates charged by the town to other high school teams, and at reasonable mutually agreed upon times.

It was noted there are \$312,039 in rollback taxes. Arrangement is that those funds will be held in escrow by St Marks School for demolition costs. If demo costs do not exceed that number, then it will be credited back.

Quitclaim deed: The value of the golf course.

Statutory requirement: The process requires a vote to accept the deed which will be duly recorded. The settlement statement is being reviewed by St Mark's presently.

The Board voted 5-0 to approve as submitted the following:

- Quitclaim deed
- Second amendment to Land Exchange Agreement
- Vote to accept deed of land

The Board signed these documents as a "free act and deed as a member of the board of selectmen". To be attested by the Town Clerk.

Revolving Funds: The Board discussed the following revolving funds.

- Conservation Commission Community Garden Fund-approved
- DPW 9-11 Field: approve up to \$190,000 for engineering, design and bidding fees for replacement of the turf field, with a portion for contingencies.
- Recreation Commission: Request to increase this revolving fund to \$600,000. Any and all liabilities must be paid out first before any new project is initiated.

The Advisory Committee will also be required to approve the increases on these revolving funds. Mr. Stivers had questions on the Recreation revolving fund that their own committee will deliberate upon;

they did not have questions on the Conservation fund however. Chairman Peters asked to vote tonight and the vote did not pass.

Public Safety update: The Board received an update from Jason Malinewski, Chair of the Public Safety Building Committee. He noted that \$1.4 of items to be funded from the \$2M contingency were approved. Items agreed by both chiefs, with general theme being to preserve what was promised at Town Meeting. The only item that was requested by the Chiefs and was declined was the carport [\$365,000 estimate] for the police department. This was added to an add-alt package; the Town could decide to include it later on. The exterior material to be used is still under discussion. Costs estimates were based on brick although hardy plank siding has been recommended for portions of the building. The savings is up to \$150,000 and the committee will vote on this in the coming week. The committee will meet with Conservation and Planning in early January for their board level review.

Signs for the facility are also under discussion. Whether there will be labeling for the golf course is also a discussion item. If it is no longer known as the St Mark's golf course, that is important to know. There will be a placeholder on the sign for the time being. Feedback to the committee is requested sooner rather than later. If the Board believes that no outside storage should be allowed on the property, a letter from this Board is required for documentation. Trailer storage is excluded from this discussion. The consensus of the Board was that a golf sign should be on the property but did not want it to take away from the indication this is where the fire and police department reside.

The Advisory Committee came back to the meeting to report that they have approved the revolving fund requests for DPW and Conservation; Recreation was not decided upon.

Consent Agenda: The Board of Selectmen voted 3-0 to approve the February 10, 2017 minutes, with 2 members abstaining. Items 2-5 were approved unanimously.

1. February 10 minutes.
2. Accept \$500 Community Spirit Mini-Grant award toward 9/11 Field replacement.
3. Accept \$26,300 donation from participants in Gobble Wobble race.
4. Open warrant for April 9, 2018 Annual Town Meeting
5. Award bid for Replacement of Turf at 9/11 Field
6. Approve DOT letter for signalized crossing at 48 Main Street (Fay School)

Fay School signal: As part of the Main Street renovation, a signalized crossing will be included in front of the Fay School. The Board approved this 4-0; Mrs. Phaneuf opposed.

FY19 Budget Presentation: The Finance Director reviewed slides addressing the proposed budget for FY19. Getting the tax rate increase to 5% means reductions of \$1.4 million; a 3% tax increase would require budget reductions of \$2.2M. The public safety building and some smaller projects on the debt schedule [and no new growth] have resulted in a dire projection next year. Mrs. Phaneuf was not in favor of any new staff or new hours. Water rate increases were also considered. Mr. Shifrin favored short term recreational improvements.

When asked for directives, Mr. Purple requested the Board make a statement on new hours, positions or other new programs.

Mr. Kolenda stated OPEB funding must be maintained, and also supports a new police officer, he advocated for no new hours or staffing in FY19.

Mr. Shea felt the request for a new police officer must also go through the vetting process, which Mrs. Braccio also agreed with. She further advocated for not touching OPEB. Mr. Shifrin was uncomfortable with negotiating against the police chief, if he feels it is needed, he agrees. Mrs. Phaneuf also agreed that no new hours were advisable at this point. She asked Mr. Purple to look at the EDC budget and postpone website design. She also was concerned about purchasing sheds for Facilities.

Committee extension: A request was made for a 2 day extension to the appointment of the Golf Course Restriction Committee. The Board approved this unanimously and amended the charge to extend the committee to Jan 2, 2018.

License renewals: The Board voted 5-0 to renew the following licenses:

The common victualler and liquor license for St Marks will be issued pending approval of the new management contract after the closing on the property.

Golf course management contract: The Board discussed the text of the golf course management contract. Although the license is termed "restaurant" by the State, Mrs. Phaneuf felt that the contract had to clearly verify that there is no restaurant on the property. The Board voted 5-0. Mr. Shea and Mr. Shifrin will assist in negotiating this contract.

At 9:15 p.m., the Board entered Executive Session per M.G.L. Chapter 30A, Section 21, and will not return to Open Session - issue to be discussed is to consider the purchase of real property – *Main Street easements* (Exemption 6), as the Chair has determined that having the discussion in open session may be detrimental to the public body's negotiating position.

Submitted by Vanessa D Hale, Assistant Town Administrator

BOARD OF SELECTMEN

December 19, 2017

EXECUTIVE SESSION

McAuliffe Hearing Room, 17 Common Street, Southborough

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SOUTHBOROUGH, MA

Present: Dan Kolenda, Chairman; Bonnie Phaneuf, Lisa Braccio, Brian Shea, and Brian Shifrin. Also present: Mark Purple, Town Administrator; Karen Galligan, DPW Superintendent; Town Counsel Aldo Cipriano.

The Board entered Executive Session by unanimous roll call vote (5-0-0) at 9:15pm.

Main Street easements

[REDACTED]

[REDACTED]

The Board voted unanimously by roll call vote (5-0-0) to end Executive Session and adjourn back to Open Session at 9:58pm.

Submitted by Mark Purple, Town Administrator

Documents used in the meeting:

- None.